





THE PRINCIPLES
OF
NAVAL STAFF RANK:
AND ITS
HISTORY
IN THE UNITED STATES NAVY
FOR OVER HALF A CENTURY.

By a Surgeon in the U. S. Navy

George Clymer



1869.

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WHAT is the relative position of the Medical Officers in the Navy of the United States?

Let the Line Officers answer this question in the subjoined effusion, the latest that we have seen, given because the latest, from among the many of similar character which, for over a generation, have been made familiar to us, and with which they still continue, at pleasure, to refresh the recollection of the public. When a gallinaceous hero, spurred for the fight, wishes the neighborhood to know that he is astir, he flaps his wings, and, with crest erect, struts into the arena, and clarions forth some such note as the following :

[Extract from the New York *Evening Post* of March 13, 1868.]

“ NAVAL REORGANIZATION.

“ *To the Editors of the Evening Post :*

“ As the Staff Corps of the Navy have organized themselves for the purpose of obtaining from Congress increased rank, it is but right that the public should be acquainted with the groundlessness of their claims. In the first place, they say they have received no rewards for their services during the rebellion, while for the superior branch of the Navy five additional grades were created ; secondly, that the duties are as onerous and as essential to the efficiency of the service as those of the Line ; and thirdly, that as European navies have found it necessary to give high rank to their Staff organizations, and because Congress has conferred *de facto* rank upon the Army Staff, the engineers, paymasters, and surgeons of the Navy ought, forsooth, to be put upon an equal footing with them and with the Line.

“ These plausible claims are upset by the fact that a temporary increase of rank was granted to them by the honorable Secretary of the Navy, (order 13th March, 1863.) And as for the examples of the Army, or of foreign navies, they are no more a precedent for our Navy than an equally unfortunate and absurd fact, that in the police force lieutenants, captains, and majors exist.

“The truth is, the Staff want *de facto* rank: they appear to be ashamed of their respectable vocations, and want Naval titles to ‘define their position in the Naval organization.’ They want to sail under false colors, and destroy the discipline of the service by assuming the titles of captain, commander, commodore, &c. The doctors are a wee bit more modest than the rest, and seem to see the injustice and silliness of claiming Line titles by their proposing to be distinguished by six medical grades, to fix their status in their own Corps, and to harmonize their relations with the Line, by sending no medical fleet officer to sea above the assimilated grade of commander, and all above that rank to have duty on shore. This is a move in the right direction, for gray-headed Staff Officers are out of place, and are not wanted in a wardroom with younger men: and if the M. D’s would give up their claim to assimilated rank, their plan would be favored by a majority of the Line.

“Now, the Line has already conceded to the Staff a uniform and assimilated rank amply sufficient to give them a highly-respectable social position, and for the performance of their duties: but they look upon their assumption of ‘*de facto* rank’ as an insult to the Naval Profession. After all, what good is rank without the privileges and right to command which necessarily pertain to it? And every Line Officer knows, from the moment he enters the Naval Academy, that the so-called rank of the Staff is, and always must be, a myth: no one attaches the slightest value to it; it absolutely means nothing, and it is sheer nonsense to talk of equality of Line and Staff on board ship: it cannot exist: the oldest fleet officer must always be subordinate to the captain, and every Staff Officer, no matter what his rank may be, must be subordinate to the executive officer, who is the second in command, and the presiding officer of the wardroom mess.

“The executive is alone responsible to the captain for the efficiency of the ship, and to this end the Staff are merely his assistants: he necessarily exercises full authority over them: their so-called privileges are even by sufferance, for they dare not put their foot over the ship’s side or leave a station without his express permission. This proves the utter uselessness of assimilated rank, depending, as it necessarily does, upon the will and pleasure of the military branch, without which discipline would be at an end: but even if the Staff were without rank, no executive officer would refuse them liberty occasionally, or deny them a boat or other indulgence, provided he found Staff Officers more amenable to his author-

ity and attentive to their duties, which it is more or less his duty to supervise. The rank of the Staff is therefore a rank humbug; they are merely classed with certain grades of the Line to give them a semi-naval status on certain occasions; but it is absurd to suppose that the words 'ranking with' ever were meant to convey the idea of any power, authority, or command whatever, as is the case with the 'rank of' all lineal grades.

Staff commissions do not say a word about rank: the term is not once mentioned in connection with the Staff Officer's name, and therefore no Line Officer or seaman is justified in obeying any one whose rank is not distinctly stated in his warrant or commission. Now, in view of all this, it would be worse than folly to give the Staff *de facto* rank, and thus degrade the Line. To the latter the country is indebted for the glorious results of the Navy during the war, and it will be a gratuitous insult to our noble Farragut and other sea heroes to bestow upon men whose duties are not absolutely essential, and who run no great risk or exposure, the honorable distinctions which should alone belong to the Navy proper. We have engineers, pursers, doctors, and parsons, and now lawyers are to be added to the Navy list; a naval judge-advocate general will be made, who will doubtless aspire with the rest to the rank and high position of a naval commodore.

The discord and bitter feeling on this subject in the Navy is worse now than it has been for forty years, and it is time it should cease; but the presumptuous aspirations of the Staff will never be checked till we have a *board of survey* consisting of *admirals alone*, who, knowing what the service requires, could guide the Secretary of the Navy, put an end to 'Wampanoags,' mismanagement, and extravagance, weed out the sources of discontent, and by a firm, just, and impartial government, restore harmony and efficiency to the Navy.

“SURVEY.”

It is not to commend its tone, temper, taste, logic, or statements, that we introduce such an article as the above to the Medical community. Our purpose is to let the Line Officers speak for themselves, and to let the Medical Profession at large learn from their lips what they think is, and ought to be, the position of the Medical Corps in the Navy. The article is a type, repeating, with little change, what they have long practised and often told us. Were it not so, we

should not notice it. It has the merit of candor and simplicity, and is easily understood. The writer believes what he says, and the sincerity of his convictions is measured by the earnestness of his declarations. He represents the views that Line Officers *express* in their conversations and writings, and that they *practise* in their varied official relations with all Staff Officers. The Medical community can judge for themselves whether the Navy offers an inviting field for their labors, and whether it is likely to compensate by its honors for the privations it exacts, and the moderate pecuniary reward it confers.

The oldest Medical Officers cannot look back to the time when the Corps were not thoroughly dissatisfied with their position in relation to the Line; the former, humble, and always, of necessity, looking up to the latter; the latter, self-exalted, and always looking down on the former: these, as if a privileged and aristocratic class, claiming *all* honors and dignities; those, as if sprung from the *bas monde*, hopelessly shut off, by an impassable barrier, from official equality, to which no amount of merit, no length of service could ever entitle them. Their condition was one of hopeless humiliation. They bore it patiently, uttering no word of complaint. The Line Officers looked on with magnanimous complacency. They thought it just as it should be, and wished no change. They were virtuously conservative, and serenely peaceful. The Medical Corps felt their degradation only the more, for a pent-up grievance is especially hard to bear. But this patience was mistaken for acquiescence, as unmurmuring submission is apt to be construed into satisfaction. The Line were the Navy; they had their own way in all things; everything went on delightfully; as those who have all as they wish it have nothing to find fault with, and the injurer has no occasion to blame the injured.

No wonder, then, that the Line now chant pœans to the good old halcyon days when commanders of squadrons could say, "I am Secretary of the Navy;" when "laws were not made for post captains;" when peace reigned serene in the Navy; when Line Officers were all men in authority, having

surgeons under them, and they had but to say to one surgeon, "Go, and he goeth; and to another, come, and he cometh; and to a third, do this, and he doeth it;" and when brotherly love seemed to them to be the actuating spirit of all. All that the Line asked was to be let alone! What a happy place a man-of-war was then!

But the serpent stole into Eden; and fatal ambition changed this paradise into a pandemonium. The surgeons could not bear the sight of so much happiness, and rebelled. When, in the course of human events, it became necessary, in their opinion, that *they* should enjoy *some* of the honors and privileges which had, thus far, been monopolized by the Line; and when they beheld all navies but that of this Republic casting off, as the relic of a dark age, class distinctions and privileges, and, by giving rank to surgeons, raising them to an equality with the hitherto exclusive, aristocratic branch of the service, they felt the more degraded by the contrast, and, believing patience and suffering to be no longer virtues, they, too, broke silence, and asked to be placed in a just and honorable position. Year after year they addressed themselves to the Executive, and to Congress, and for a long time in vain. Many (not all, we are happy to say) of the Line Officers always and everywhere forestalled them, declaring that such unheard-of innovation would be ruinous to the Navy. Hence, when the surgeons applied to the Department, they were referred to Congress: and the Naval Committees, as we well know, over and over again replied, "We think it best to leave you to the courtesies of the Line."

We have said that the claim of Medical Officers to a definite rank or position in the service is not, as the Line now pretend, a new thing. It was brought prominently forward by their services in the war of 1812, and formally recognized, soon afterwards, by the Secretary of the Navy, the Board of Naval Commissioners, and some of the Senior Line Officers themselves, who, to the number of 13 *Captains*, out of the 30 then in the Navy, addressed, in 1816, communications to

the Department, expressive of their sense of their "great importance to the Navy," that "the *rank* and pecuniary emolument ought to bear some proportion to what gentlemen of professional *eminence* would be entitled to in private life," and that they had "heard with pleasure" of the intention of the Medical Officers to address to the Department "a memorial requesting a *definite rank* in the service."

In January, 1817, the Board of Navy Commissioners, in reply to the reference, by the Secretary of the Navy, of the above-mentioned "Petition of the Surgeons," report that "it seems to be just that, inasmuch as the duties and responsibility of Navy Surgeons call for an equal degree of professional knowledge, as well as of respectability of character, with those of the Army, they should be put on the same footing, with respect to *rank*, pay, and emoluments." This, which was recommended by the Navy Commissioners over half a century ago, is, to the letter, what the Surgeons then, and have *ever since, asked for*, and what the Line, with little exception, are banded together to resist, as ruinous to "*their*" Navy.

Successive Secretaries of the Navy commended the subject of Staff rank to the action of Congress; and each of the codes of Naval Regulations, prepared in 1833, 1841, and 1843, provided for such rank; but the codes failed, in turn, to receive the sanction of Congress.

Mr. Secretary Upshur, especially, portrayed, with his wonted intelligence, "the evils resulting from the want of a proper naval code." "What," said he, in his Report in 1841, "can be expected of a community of men, living together under circumstances tending to a constant excitement and collisions, with no fixed law to govern them, and where even *rank* and station are imperfectly defined? The necessary consequence of such a state of things must be disputes, contests, disorders, and confusion; sometimes unauthorized power will be assumed, and at other times lawful authority will be disobeyed. It is impossible that a wholesome discipline can prevail in this uncertain condition of official rank and au-

thority." Such statesmanship as this will not, unless Congress shall "prick the sides of its intent," be reached by it, it is feared, in a century.

Two years after this urgent appeal to Congress by Mr. Upshur, his successor in the Navy Department recommended, in his annual Report, "a modification of the law, by which medical officers in the Naval Service shall be entitled to rank in a manner similar to that prescribed in the Army," expressing the opinion that "the Medical Department of the Naval Service requires talent, education, and moral worth, properly to fill it, of as high order as in other branches of that service; but the Surgeons and Assistant Surgeons have no military rank."

In 1844, the Hon. Secretary Mason renewed the recommendation; and, in the same year, certain Officers of the Line memorialized the Naval Committees, assenting to assimilated rank for Medical Officers, and that their claim to serve as members of Courts-Martial for the trial of Medical Officers, as proposed by the Medical Corps, "ought to be granted;" but they objected to assimilated rank of Commander being given to Surgeons under twenty years' date of commission.

The Naval Committees, in turning a deaf ear to all these appeals of, and for, the Staff Officers, took the ground (as we heard at the time several of the members state) that the Department was competent to confer rank; and that it would be time enough for Congress to act when the Department should have refused. Each, it seems, was waiting for the other.

In consequence of this holding back, Mr. Secretary Bancroft, finding that Congress would confer no rank on the Staff, took the initiative, and, on the 31st of August, 1846, issued the well-known Order, giving rank to Medical Officers—an order which has evoked more comment than any other, that we know, ever issued by the Navy Department.

We interrupt the narrative of the history of Staff rank to remark that the long-existing controversy between Medical and Line Officers on the subject of Rank has elicited a large

number of pamphlets on both sides. We are familiar with several of them. They have been written generally by clever men, who may be supposed to have exhausted the subject, so far as it is capable of exhaustion. Recent writers have hence given less that is new in fact than in the arrangement of the materials, and in their inferences from them. Were we called on to designate, among the many good pamphlets of the Surgeons, the one that comes nearest, we think, to the character of an exhaustive treatise, presenting fully and fairly the facts and the arguments on both sides, written with careful accuracy and precision of statement, with logical deduction, and admirable candor and good temper, we should name, as *facile princeps*, the able and elaborate Pamphlet entitled "A brief history of an existing controversy on the subject of assimilated rank in the Navy of the United States," published in 1850. And it is with pleasure that we acknowledge our obligation to the writer for much that we have said, and shall say. That Pamphlet stands where it stood nineteen years ago; it stands *unanswered*.

We wish the reader to remember that our subject is the position of the *Medical Corps* relatively to the *Line*. We are addressing the Medical Profession. It would be out of place to speak for other Staff Corps, though part of what we say would apply to them. We speak for the two hundred Medical Officers in the Navy to their constituency, the whole Profession, on a matter of interest to the former, and, it is believed, to the latter also. The Medical Corps feel aggrieved by this position, as unjust to themselves, and injurious to the public interests. They feel it a double wrong; and they wish the Profession of the country to know it. All branches admit the want of harmony, and its injurious results to the service; none more freely than the *Line*. But *all* do not admit *alike* the same remedy. In a service so variously composed as the Navy, there is especial need of concerted and combined action. The machine must work as a unit to work well.

Some of the *matured* minds of the *Line* agree with the Staff that every Corps should have its defined and well-

understood position and relation to every other. With them, therefore, rank or relative position is a necessary element of the service. It is not an accident, resting on mere volition, that may be willed into, or willed out of, the Service. It is vital. It is order, "Heaven's first law." These ripened minds, therefore, admit the necessity of rank to every individual, from the Commander-in-chief to his cook. With them the long-disturbing element, the *questio vexata* of half a century, is not an open question: it has had its day, and has ceased to be entertained.

But the majority of Line Officers, the young and ardent, cling tenaciously to opinions abandoned by their seniors. They zealously oppose, in every way in which opposition can be made effective, all claim of Medical Officers to what the latter regard a rightful position in the service. They resist their claim before Congress, on shipboard, at Naval Stations, and wherever the two Corps are associated on duty; and, as they are everywhere the dominant party, they *practise* what they *preach*, without control. Hence it is that, whatever may be the law and the regulations protecting Medical Officers, they are little, if at all, better off than they were fifty years ago. Perhaps they are worse off; for, then, the surgeons passively submitted; and something may have been conceded in courtesy that is now denied as a right.

It is the Line Officers who interpret, and who execute, the Law and the Regulations. They carry them into practice, which is consequently much as it would be were there no Law and no Regulations. A remote station is a distant place to appeal from. Many small injuries may thus go unredressed. Laws and Regulations are framed in general language: both parties can often find in them what they wish: and much that is within the letter of a law may yet be in violation of its spirit and intent. The actual practice has come to this, that Medical Officers are on *arbitrary* "sufferance": not even the established or acknowledged sufferance of the whole Line, but the capricious sufferance of the individual Line Officer in every individual official relation with him. There is no mystery in this. It is human nature; the same

in the Navy as out of it. The high in station and privilege become selfish and exclusive, and—

“ Bear, like the Turk, no brother near the Throne.”

To any, if there be such, who may feel that the Turk is here disparaged, we offer an *amende* in the following tribute to his character by a gallant Naval Officer, the distinguished father of the distinguished Vice-Admiral, whose long residence in Turkey enabled him to judge of it. In his interesting “ Letters from Constantinople,” Commodore David Porter writes thus of the reigning Sovereign, under date of July 27, 1832 :

“ The Sultan Mahmoud, the most absolute sovereign on the earth, can afford to be kind and courteous to those around him ; but the little tyrant, who struts his few fathoms of scoured plank, dare not unbend, lest he should lose that appearance of respect from his inferiors which their fears inspire. He has, therefore, no society, no smiles, no courtesies for or from any one. Wrapped up in his notions of his own dignity and the means of preserving it, he shuts himself up from all around him. He stands alone, without the friendship or sympathy of one on board ; a solitary being in the midst of the ocean. This, nine times out of ten, is the condition of naval commanders.

“ A man-of-war is a petty kingdom, and is governed by a petty despot, exacting from his subjects all the respect and homage that are voluntarily and spontaneously bestowed on a higher order of legitimate sovereigns.

“ Excuse,” continues Commodore Porter, “ the digression : my thoughts happened to turn on the Navy, a thing that occupies them generally as little as any other, except as an arm of general defence to our country. When they do turn to it, they are always unpleasant. During the whole thirty and one years that I have been in the naval service, I do not recollect having passed one day, I will not say of happiness, but of pleasure.

“ I look back with horror to that period (my first entrance into the Navy) when, an unfriended and unprotected youth, I was made to feel the contumely and oppression of a proud and tyrannical, though gallant naval commander. How I had patience to submit to it, or fortitude enough to bear it, is to me now a wonder and a mystery. Perhaps my suffer-

ings then may have had a powerful effect on my character subsequently, in giving it a disposition to resist oppression and oppose tyranny in whatever quarter they may manifest themselves."

Our own Naval experience has been more fortunate than this; and we record, with pleasure, our tribute to the personal courtesy of the Commanding Officers with whom we have sailed. Having said this, the reader would greatly misapprehend the subject before us, if he supposed that *personal courtesy* had anything to do with it, or that the want of this virtue in Commanding Officers entered, in any degree, into the complaint of the Medical Corps. *We* will, therefore, not be suspected of personal ill-feeling to the Line, when *we* complain, with the rest of the Medical Corps, of injurious treatment by the great numbers of Line Officers, who, while they admit the *social equality*, are determinately banded together to resist the *official equality* of the Medical Corps. The personal courtesy of Line Officers, Surgeons return. There they are at quits. Line Officers claim to be the only dispensers of official courtesy. In the bestowal of this the Medical Corps would be pleased to share; and no reason, beyond the *sic volo, sic jubeo, stat pro ratione voluntas*, has yet been given why they should not. They are *not* satisfied that all the reciprocity should be on one side. If there is a long arrear of official courtesy, they would be glad to begin to repay it; for *who lives on courtesy that can live on right; who lives by begging that has riches of his own?* If official courtesy is so certainly assured, let the Line practise their own recommendation, as the only test of their sincerity, and be doubly blessed, by receiving as well as giving. Not sharing their apprehensions of ruin from Staff rank, we ask the *fiat justitia*, without fearing the *ruat cælum*.

The desire of all officers for rank, with its attendant honors, bespeaks the universal estimate of its value. It does not seem to be in human nature to be so disinterested and humble minded as, at all times, to disregard exalted position, and to wish others to be higher than ourselves. There-

fore, we should not look for any persons in the Navy to rise superior to a desire so universal out of it. Yet the Line Officers, with singular self-abnegation, naïvely claim to desire rank *only* for the public good, and *only* as indispensable to the discharge of their public duties. Their oft refuted dogma is, "Rank carries command." Except for this, they would not wish it. All personal motives they utterly disclaim. In all their writings they express the same sentiments. Patriotism is their sole actuating motive: and, in claiming exclusive rank, they plant themselves as sentinels at the outposts of the Navy. Such is, in effect, their dictum, as their writings everywhere show. They kindly say, on the other hand, that "Medical Officers wish rank only from personal ambition:" that "it is in nowise necessary to the performance of their duties:" and "that their possession of it would be fatal to the peace, discipline, and efficiency of the Navy." Such is what they always and everywhere repeat: they say it from first to last of their Naval career. They go with this story to Congress, and, by constant iteration, almost persuade the members, as they have persuaded themselves, that it is correct. We knew that they early learned the lesson, and never forgot it: but, even with "Survey's" assurance, we are slow to believe that it is the cadet's *first* lesson at the Naval School. It goes down with unquestioning belief, from sire to son, is treasured through life as an article of faith against fact and reason, and recited, as the Line Officer's naval creed, with all the gravity of oriental devotion.

We shall not reason with Line Officers to change this belief. As soon should we expect to change the religion of a Brahmin.

How far these opinions of the Line are correct we shall endeavor to show, but before an *unbiassed* audience, to whom we now appeal from the verdict of the Line. The Profession will listen, as heretofore, to such reasonable appeal: and we look confidently to their countenance and aid in redressing the wrongs of which we, their Naval brethren, complain. One member cannot suffer without the whole body's suffer-

ing: and the Medical Officers of the Navy cannot be visited with indignity and humiliation, unredressed, without humiliation and indignity to the whole Profession.

After this digression, we resume the history of Medical Staff rank. We have said that Mr. Bancroft, finding (as he told us) that the Line were impracticable, and would agree to nothing, and that Congress would do nothing, took the initiative in conferring it. The Order was as follows:

“GENERAL ORDER.

“Surgeons of the Fleet, and Surgeons of more than twelve years, will rank with Commanders:

“Surgeons of less than twelve years, with Lieutenants:

“Passed Assistant Surgeons, next after Lieutenants:

“Assistant Surgeons not passed, next after Masters:

“Commanding and Executive Officers, of whatever grade, when on duty, will take precedence over all Medical officers.

“This order confers no authority to exercise military command, and no additional right to quarters.

“GEORGE BANCROFT.

“NAVY DEPARTMENT, *August 31, 1846.*

“*[Legalized by act of Congress approved August 5, 1854.]*”

This Order, won after a long struggle, was a compromise, in several particulars, to appease the Line, and, like most compromises made to please both parties, pleased neither, proving, as the Line maintain, but a nullity to the Medical Corps, and a Pandora's box to the Navy.

Notwithstanding all the safeguards, of which we shall presently speak, thrown around their command, the Line early decreed the destruction of the Order, and the yet more offensive one to them, issued, in the following May, by Mr. Bancroft's successor, Mr. Mason, who extended to Purser (since named Paymasters) the Order giving rank to Surgeons. This purpose they endeavored to execute in January, 1848, when some sixty or seventy of them met in Washington, and appealed to Congress to annul the Orders, thus virtually burning the Secretary of the Navy in effigy under the eaves of the Department, had they but known it. Congress answered the appeal by legalizing the Orders in 1854.

Thus was rank, such as it was, given on paper, for the first time, to the Surgeon, at the end of a long struggle. Before that time, he stood where "Naval usage," uniform in little else, had uniformly placed him; he stood with the ship's cook: if, indeed, he really stands higher now.

"A plain man, who knew nothing of the curious transmutations which the wit of man could work, would be very apt to wonder by what kind of legerdemain" Line Officers could "contrive to shuffle" this strikingly modest Order up to the top of their pack of grievances, and to make it the source of all their woes, the target of their shafts, for now nearly a quarter of a century. Or were they too happy before, and too "hard up" for a grievance to talk against, to dispense with this? One who knew nothing of the history of the Order would suppose, from reading it, that the *Line* had indited it. He certainly could not suppose that the Surgeons had been much consulted. If the Secretary was to give anything, what less could he give that would not be a joke: for what but a joke could have prompted a Board of Line Officers, in the fulness of generosity, to propose for Surgeons no rank, but "precedence *with*, but *after*, Lientenants?" The "General Order" was general in its terms: and, as it was to be executed by those who had striven to prevent it, it was likely to amount to nothing in practice.

Under the interpretation of the Line, how has ingenuity been racked to dwarf the modicum of something (call it rank, or precedence, it matters little whether it have a name or not) supposed to have been intended by the framer of the Order: for, as it did not designate the occasions on which the Surgeon was to enjoy his rank and precedence, the Line at once denied that there were any such occasions, and have ever since contented themselves with making the Order, giving rank to Surgeons and Purasers, chargeable with most of the "disorder, bickerings, confusion, and insubordination" in the Navy, and the rank conferred by it the butt of their raillery, by designating it "this dreadful nonsense of rank," "a shadow without the substance," "rank humbug," and other jocular epithets.

How much soever Line Officers may deny that the Order confers anything on Surgeons, of one thing they feel sure—that their command is safe. This has been secured to them by an express proviso—if, indeed, it had been otherwise in danger; for, from the organization of the Navy to the present moment, no instance has occurred, within our knowledge, in which a Surgeon has claimed to exercise authority out of the Medical Corps, and the Medical Department over which he has been set. This security of lineal command is, indeed, the only thing that some Line Officers have been able to discover in the so much objected to Circular Order, as frankly stated by the Commander-in-chief of the Pacific Squadron in 1849, in reply to a reference on the subject. “I have,” replied the Commodore, “several times taken up the Circular to which your letter refers; but, for the life of me, such is its ambiguity that I am unable to give it any practical construction conformable with well-established military principles, one of the most stable of which is, so far as my experience goes, that *non-combatants* never command regular *officers of the line* under any circumstances whatever. If there is anything clearly expressed in the Circular in question, it is that the assimilated rank conferred thereby does not carry *authority to exercise military command*, nor give additional right to quarters.” That lineal command was safe was discovery enough for a Line Officer; and *that* discovery was *sure* to be made. Excellent Circular, that had nothing “clearly expressed” but that Line Officers were secure in their command!

But, though not “clearly expressed,” something might be *implied*. Hence the Commodore concludes: “In my judgment, then, all that the Circular confers on *non-combatants* in the Navy is the *assimilation of rank in society when off duty*; and such I am informed (unofficially) was the decision of the late Secretary, Judge Mason, when applied to by Purser B —, serving on the Portsmouth Station. Any other construction given to the rule would be productive of endless confusion in actual service; an officer’s rank and privileges would come and go as often as he stepped in or

out of a boat, or from one ship to another in the same Squadron."

Thus, it seems, the Orders of Secretaries Bancroft and Mason were issued for the sole purpose of regulating the intercourse of "non-combatants" (staff officers are supposed to be here meant) "in society, when off duty." The worthy Commodore must have imagined that the Staff felt their social position to be somewhat below par, that they should have so long invoked the Department to "rank" it up a little. Did it never occur to him that some of the gentlemen of the Line, too, might be none the worse for a slight movement in the same direction? *Risum teneatis!* And, as if to humor the joke, Mr. Secretary Mason is called on to join in the laugh at his own Order. Mr. Mason must have thought the Order no joke a twelvemonth before, when he took occasion, in a letter which we shall presently give, to admonish another Commodore, (on the African Station,) who "did not deem it expedient to enforce the General Order of the Department," that its "terms are explicit, and admit of no doubtful interpretation," and, "on all future occasions, to be pleased to execute the Order according to its letter and spirit." Golden words these, worthy to be stereotyped, framed, and hung up in the cabin of every Naval vessel in commission, in order to put a stop to the "disorder, bickering, confusion, and insubordination," of which Line Officers have so long delighted to complain.

The inference of the Pacific Commodore, that the Order must have been issued by the Department to govern the intercourse of officers "in society," because "any other construction of it" would be productive of "endless confusion in actual service," is quarter-deck logic, of the *sic volo, sic jubeo* kind; and, as to the "coming and going of an officer's rank and privileges as often as he stepped in or out of a boat, or from one ship to another of the same Squadron," the objection applies equally to Line rank as to Staff; for the evil complained of is, under the circumstances mentioned, daily witnessed in mixed assemblages of *Line Officers exclusively* from different vessels of a squadron, the Squadron, not the

ship, determining the order of rank and precedence. This answer to his own objection he virtually admits when he adds, "for *Commanding Officers*, as well as executive officers, are *temporary and accidental positions*, varying and changing from day to day, and from hour to hour;" a view which he illustrates by citing the fact that "the captain of a ship is her *commanding officer*" when on board; the moment he goes over the ship's side, if but for an hour, the officer next in rank becomes the "*Commanding Officer*."

The Commodore states, in this connection, (which it would be well for Line Officers to remember,) that "no such *rank* or *grade* as executive officers is known to the law." He thence concludes that, as there is no one class nor grade of officers legally known as *the* executive officers, "every officer, charged with the performance of any particular duty, becomes an 'executive officer' while he is executing the orders of a superior." "A midshipman, sent in charge of a boat, is an 'executive officer.'" How much of the "endless confusion" here complained of, and of the "disorder, bickerings, confusion, and insubordination" complained of by other Line Officers, would have been spared to the Service, but for the unfortunate introduction into the Order, and thus into the Navy, *at the instance of Line Officers*, of the "executive" clause, as incongruous as novel, such a puzzle to some of them, as they admit, and such a stumbling-block to the execution of the Order, which they treat as a nullity and a jest.

What, then, is this new and important "executive" clause? The General Order of Mr. Bancroft, in 1846, already given, provides that "Commanding and Executive officers, of whatever grade, when on duty, will take precedence over (of?) all Medical Officers." The Order, as stated, was extended the next year to Purser's, and legalized in 1854. Questions arising as to the import of the words "when on duty," as to the limitations they impose on the "precedence" given to "Executive Officers," and as to the occasions on which Senior Staff Officers shall have "prece-

dence," Mr. Secretary Dobbin issued, February 14, 1855, the following "Decision: "

"The exception in favor of 'Executive Officers,' when on duty, made in the General Orders of the Navy Department of August 31, 1846, and May 27, 1847, which Orders were legalized by act of August 5, 1854, is construed to apply to said officers while in the discharge of their military duties on board the vessel, or at the Station, to which they are attached, but not on any other occasion."

And, on the 13th March, 1863, the Honorable Gideon Welles, Secretary of the Navy, issued an Order, on the subject of Staff rank, not only reaffirming the above decision of Mr. Dobbin, but giving to it practical definiteness, by specifying the occasions on which "Line and Staff Officers will take precedence" of each other, as follows:

"In processions on shore, on courts-martial, summary courts, courts of inquiry, boards of survey, and all other boards, Line and Staff Officers will take precedence *according to relative rank.*"

In harmony with the preceding, a provision is added, still further qualifying the "Executive" clause, and conforming precedence to rank:

"Temporary leaves of absence from Station or ship, and reports of return, will be obtained from, and made to, the Commander, or Executive Officer, *as the Staff Officer may be senior or junior in rank to the Executive Officer*, the latter being notified in the former case."

Still, no decision was given of the further question that arose as to the Officer intended by the designation "Executive Officer," here used, for the first time, we believe, in any Law or Regulation, and, even now, not adopted in the Orders of the Department, which, in the detail of Officers for a ship or station, designates no one "the Executive Officer," nor addresses any officer as such. "The Line Officer next in rank to the Commander of the vessel shall be the Executive Officer" is the definition given in the book of "Regulations for the government of the Navy of the United States,"

issued by the Navy Department, April 18, 1865. In these "Regulations," the office and duties of "Executive Officer" are, for the first time, officially defined, and the individual Officer intended officially designated. Executive Officers are, obviously, not a class, having a distinctive, permanent, uniform rank as such. They have no recognition in the Navy Register. *Relative* rank and date of commission alone determine which one of the Line Officers on board shall be the Executive Officer for the cruise. The Executive position, or office, is local, temporary, accidental, relative; shifting, in a Squadron, according to relative seniority or date of commission, and limited to the individual ship. It is not ubiquitous and indefeasible, as rank which is independent of time and place. The name, even, is unknown on all the *official* occasions above specified, as processions, courts, boards, &c., because, on such occasions, the Officer in question can exercise no executive function. He has *there* the position which his rank and date of commission otherwise give him. He has *there* no executive recognition, no executive precedence. If he be a Lieutenant, or Lieutenant Commander, he everywhere yields precedence to all Line Officers of the Squadron, who are his seniors in rank, though they may not be executive officers in the ships to which they belong. He everywhere yields it also to all Staff Officers of higher rank, or earlier commission, even those of his own ship on the occasions specified. Before the creation of the grade of Lieutenant Commander, in 1862, the Senior Lieutenant of the ship was the Executive Officer, known on shipboard as the "*First Lieutenant*." Since the creation of that grade, the Executive Officer of a Flag-Ship is generally a Lieutenant Commander, who, as such, is a wardroom officer, and occupies the state-room, previously known as the "First Lieutenant's" state-room.

Nor did the above official definition of the designation "Executive Officer" come too soon for the opposite constructionists; those who regarded any officer charged with the execution of the orders of a superior as an executive officer, and the officer left in command during the temporary

absence of the Captain as the "Commanding Officer," to which class of constructionists belonged, as we have seen, a Commander-in-chief of the Pacific Squadron; and those, on the contrary, who could see no other executive officer than the Captain, because, as alone charged with executing the orders of the Commander-in-Chief of the Navy, the President, given through the Secretary of the Navy, he is solely responsible for the fulfilment of the executive office, which office he is *legally* unable to delegate to a subordinate. From the latter point of view, the Captain is regarded as the sole depository of command in the line, the sole source of all orders, which the subordinate receives and executes. Nor does it conflict with this view that the Captain often finds it *convenient* to commit to the officer next below him in rank the exercise of part of his authority and functions, as if he could rightfully devolve his command on another. But the Captain's convenience is *not* the measure of his right, and would little avail him, as a plea, before a court-martial.

The duties of "Executive Officer," as specified in the "Regulations," are many, varied, and important; and the office is one of much labor, requiring sound judgment and much professional knowledge, justly deserving great consideration and respect. On the proper performance of his duties depends much of the order, discipline, and efficiency of the ship; and that officer would be entitled to little respect and consideration who should desire to abate the proper authority of the Executive Officer, or in any manner obstruct him in the discharge of his many duties.

The scope and sphere of the duties of "Executive Officer" are thus defined in the above-named "Regulations:" "He shall, *under the direction of the Commander*, have the superintendence of the *general* duties to be performed, and of the police, *to such extent as the Commander may authorize or prescribe.*" The particular duties are then specified in twenty-three successive paragraphs, harmonizing with the general instruction. Even the casual reader of this long list of specified duties cannot fail to be struck by the watchful care with which the framers of the "Regulations" have

guarded, intact, the entire command of the Captain. It is *his* authority that is to direct, *his* pervading eye that is to supervise, *his* judgment that is to decide. *He* is to be informed beforehand of everything to be done; or the thing done is to be immediately reported to him. The Executive Officer is to attend him to the gangway to receive his last instructions before leaving the ship, and to meet him there on his return, "to report anything of note that may have occurred during his absence;" and even, while thus in temporary charge of the vessel, the Executive Officer is "not to alter or change any of the regulations" of the Commander. He is expressly and repeatedly inhibited from any semblance of the attribute of command. He is, at all times, *locum tenens*, and, as such, under the direct control and orders of the Commander, wherever the latter may be, whether on shipboard or on shore, the latter circumstance in no degree divesting him of his command. There is but one head, always and everywhere the same; the rest are members, to do its biddings. This view of command is recognized in the "Regulations," wherein such expressions as the following occur throughout the specifications of the Executive Officer's duties: "Under the direction of the Commander;" "to such extent as the Commander may authorize or prescribe;" "report to the Commander the result;" "permission of the Commanding Officer;" "in the judgment of the Commander;" "stating his reasons for so doing to the Commander;" some of them occurring repeatedly.

Surely this direct and immediate control of the Commander over every individual act of duty of the Executive Officer would imply that, so far from exercising or requiring the *independent* action so magniloquently claimed for him by some of the writers of the Line, he has literally *no independent action*, and is perhaps the most closely watched and circumscribed officer on shipboard. Because he has many duties to perform, he may seem to possess much absolute authority. These are, however, mostly, *routine* duties, recurring daily, common throughout the service, and performed regularly from the beginning of the cruise to the end. This

class of duties every Commander sanctions by his implied or express approval. If he has any particular way in which he wishes the Executive duty "carried on," he makes this known at the outset; and then one *order to the Executive Officer* to that effect suffices for the whole cruise. In regard to *other than routine* and stated duties, common to the service, these are specified in the Commander's *Order-book* at the cabin door, a book often of good size, but generally dispensed with since the issue of the book of "Regulations" by the Navy Department in April, 1865. *Individual cases of rare occurrence, or sudden emergencies*, not included in either of the two above classes of duties, are referred by the Executive Officer to the Commander beforehand, if there be time for the reference, or, if not, reported to him immediately afterwards for his sanction or disapproval. Both of these last supposed cases, and, indeed, all others, great or small, are either ordered beforehand by the Commander, or are ultimately governed by his decision. Nothing is done by the Executive Officer without his previous or subsequent knowledge and action. The whole authority for the act vests in the Commander. He governs the case. The responsibility is his; and, therefore, also the command, which the Executive Officer cannot question. The latter's sole discretion is in the *manner* of executing it, and sometimes not even in that. The Commander directs his every act, either by authorizing it, if important, beforehand, or by approving it, if not so, afterwards. The Executive Officer merely executes. He cannot initiate any order; he can do nothing *independently* of the Commander, and is in more frequent communication with him than all the other officers of the ship put together.

The Commander and Executive Officer are what the names imply: one is to command, the other to execute; one to think, the other to act; one is the head, the other the hand. The Executive is the recognized *medium* of the orders of the Commander, who habitually conveys them through this appropriate channel. This channel is certain, and universally understood. Hence, nobody questions it; nobody questions orders conveyed through the Executive Officer:

they receive as prompt obedience as if given directly by the Commander in person. Were not this the case, the Commander would require to be his own Executive, and to dispense with any other. The Commander never affects surprise at the "beat to quarters;" nor the summons to "general muster," to "divine service," to "get the ship under way," to "bring her to an anchor," to "clear the decks for action," &c., for the simple reason that, in each case, the order came from himself.

All officers are invested by their commissions with the authority required by their duties: and the sphere of duty is, in each case, the measure of authority. There can, hence, be no conflict of authority, no two officers moving in the same sphere at the same time. As respects the Executive Officer, the "Regulations" provide for him an authority commensurate with the extent of his duties. "He will exercise authority over all officers, and see that they vigilantly perform their duties, and that they conform to all orders for securing uniformity in the mode of executing them." The same "Regulations" define the extent of the Executive Officer's authority, by prescribing (as already quoted) that "he shall, *under the direction of the Commander*, have the superintendence of the general duties to be performed, and of the police, *to such extent as the Commander may authorize or prescribe.*"

This introductory general "Regulation" qualifies, limits, and interprets all that follow; it is their gauge, measure, and standard; they cannot exceed it without violating it. "*Superintendence of the general duties, and of the police.*" "*under the direction of the Commander,*" "*to such extent as the Commander may authorize or prescribe,*" bounds the "executive" office. In a word, it makes the "Executive Officer" the Commander's "Police" Officer, and so names him, and so specifies his duties. No "Regulation" assigns him a duty above that of "Police" Officer, under the constant and immediate direction of the Commander; and no one recognizes him as playing "second captain;" though it is the fashion, nowadays, for "Executive Officers" to complain of Captains

as troublesome, and in their way. We are aware of their restiveness, of their desire to exceed their authority, and of their ambition to order about old Staff Officers, some of them claiming the right to do so under the 411th "Regulation," already quoted. Captains and Commanders wrote that "Regulation," which says that the Executive Officer "will exercise authority over *all* officers, and see that they vigilantly perform their duties," &c. : themselves not excepted by the terms of the "Regulation." This makes the "Executive Officer" Commander-in-chief. The Captains may say that they did not mean to subordinate the *old* Line Officers, but *only* the old Staff Officers; rank protecting the former, but not the latter; in other words, that there is a protective, and a non-protective, rank. We had been willing to suppose that all the "Regulations" harmonized with each other; but the 411th is claimed to stand apart, as an exception. If so, why was it not frankly stated to be such on the face of the "Regulations?" It matters little to us, however, what may be the decision, in the Line, of this Line question, how much or how little of their command Captains may have conferred on the "Executive Officer," whether, or not, they may have made him a Second Captain, to share their responsibility, their prerogatives, and their command. When the Commanding and Executive Officers shall have settled their dispute, the Staff should be informed of the decision, and thereby know which of the two is in command, which is the real, and which the would-be, Captain. We leave them to their quarrel about their supremacy; *non nostrum tantas componere lites*. If the 411th paragraph means what it says, it is a blundering incongruity thrust into the "Regulations" through the lippitude of prejudice against the Staff: for, of all the Commanders, Captains, Commodores, and Rear-Admirals, whose combined counsels framed the "Regulations," which one of them will admit that the Regulation in question was meant, according to its terms, to subordinate a *Senior* Line Officer to the authority of the Executive? and is there one of them that will deny that it was not written to subject to the authority of the Executive Officer *all* Staff

Officers, and for no other purpose? for it was certainly *not* written in order to assert his authority over *junior* Line Officers; as it is the theory of the Line, though, we think, an incorrect one, that rank carries command. Thus a blow is aimed at Staff rank under the guise of a General Order, too thin to conceal the cloven foot: as the foolish bird thinks to conceal its body by hiding its head in the sand. Line Officers have, in our hearing, spoken of many blunders in this Code of "Regulations," but never of this, probably the greatest of all. We have already shown how Line Officers, in *practice*, treat Staff rank, characteristically, with kicks. Here is an attempt to dispatch it with a *coup de jamac*. They write *all* the Regulations, and write them to suit themselves. They administer the Navy, and administer it to suit themselves. How perfect, then, ought the whole system to be, at least in their eyes: and how happy ought they all to be in so perfect a Navy!

As an illustration of the exaggeration of authority claimed for the "Executive Officer" by his brethren of the Line, so little in harmony with the careful provisions of the "Regulations," we will give an extract from a clever Pamphlet, the most clever that we have seen on its side, written some twenty years ago by a distinguished Officer, then a Commander, now a Rear-Admiral on the active list. We italicize no statement, as there are so many from which we dissent. His Pamphlet is an authority, if not a text-book, in the Line, whose chief disputant he has long been, and who have looked up to him as their leader in the warfare that, for a quarter of a century, they have waged, and yet wage, on the Medical Corps, and, through it, on the harmony, honor, and efficiency of the service.

We desire the writer to speak for himself, as follows:

"We will now state in precise terms what we conceive to be the true position of the surgeons and pursers, as derived directly from naval usage, and sanctioned indirectly by legal enactments. On board of a ship of war, the surgeon and purser, in respect to subordination, are inferior to the commanding and executive officers: in respect to certain matters

of ceremonial and etiquette, they occupy intermediate ground between lieutenants and midshipmen; and, in respect to social privileges, are on a level with all; but they exercise no military authority except over their respective assistants.

“The absolute necessity of their subordination to the commanding officer is too apparent to waste a remark upon; but some have entertained doubts whether their subjection to the executive lieutenant is equally clear. On this point we will briefly remark that the executive lieutenant stands in such a relation to the ship that the purposes of order and discipline would be utterly defeated if the civil corps were allowed to impugn his authority.”

After speaking generally “of the variety, extent and responsibility of the duties of a first lieutenant,” the writer adds:

“Among his duties are the maintenance of the police and discipline of the vessel, the preservation of cleanliness and decorum in every department, the enforcement of the general laws of the service, and of the internal regulations which are peculiar to the vessel; and over all his acts the Commander exercises a supervisory care. Now, it seems to be a very preposterous proposition which would announce that the civil corps were above his control, that, if he orders the drum to beat to quarters, the purser and surgeon could pause to ascertain whose commands were thus proclaimed, before the one repaired to the cockpit, and the other to the wardroom; that, if summoned to the quarter-deck to attend general muster, divine service, or any more special duty, the authority from which these orders emanated could be safely repudiated and set at naught. It seems, in short, absurd to suppose that there could exist, consistently with the well-being of the service, such an anomaly as a class of officers at once amenable to the laws and discipline of the ship, and free from the authority and control of the very functionary appointed to enforce law and discipline. Examples like those cited above might be multiplied *ad infinitum*; but we have said enough to show that no reasonable doubts can be entertained on this head; if there are doubts, they are of recent origin: they are the offspring of modern pretension, and are disavowed by the uniform practice and experience of the service. We have discussed this point more fully perhaps than it seemed to merit; but our purpose has been less to correct any error in

relation to it that may really exist, than to meet and expose the absurdity of the efforts that are now being made by the civil branch to escape all subjection to the authority of the executive officer."

The epithets, "preposterous," and "absurd," though adding little to the logic, evince the earnestness of conviction. We do not, however, find them necessary; and our practice is, as the reader will have seen, not to call things preposterous and absurd, but to endeavor to prove them such.

The office of "First Lieutenant," with an official designation of duties differing from those of other lieutenants, was not known in the Regulations of the Navy Commissioners, and was, as we have intimated, adroitly thrust into the service, in its present proportions and under the *new name* of "Executive Officer," on the occasion of the issue of the "General Order" in 1846, conferring rank on Surgeons. The *purpose* of this interpolation, and the *use* that was immediately made of it, did not need the elaboration of the Line's chief disputant to make them evident. It was to be wielded as a weapon to strike down Staff rank; and it has never been laid aside.

Did not the above view of the "Executive" office pervade the Line, we should little notice it; but on this subject they think gregariously, with little, if any, exception. They regard the "Executive Officer" as invested with the attributes of command, going the round of his duties hand in hand with the Commander, sharing as partner, if not equal, the prerogatives of his office, and requiring for the exercise of these high functions precedence, irrespective of seniority and rank, over all other officers than the Commander.

"Usage" and "legal enactments" are cited by the writer quoted to support his views. Naval usage is proverbially uncertain, and cannot safely be appealed to as a uniform rule of right, being generally little else than the will of him who invokes it. Line Officers may combine for a purpose to make a usage, which is then the usage of the Line, and to that extent, and in that way, the usage of the Navy. Other-

wise, "Naval Usage" is the Commander's "lucky-bag," the receptacle of all his orders.

"Abortive, monstrous, or unkindly mix'd."

As respects the "legal enactments" appealed to, the writer assumes the whole question involved. The first, and only, "*legal enactment*" recognizing an "Executive Officer" was that of 1854, a date several years subsequent to the appeal here made to "legal enactments," showing that our author had anticipated a little. The "*Regulations*," however, of 1865, are explicit on the subject of the "Executive Officer." Of the twenty-five paragraphs comprising the section in regard to him, all, except the first and last, specify his duties: and the framers of the "Regulations" have been careful to remind him seventeen distinct times that each particular act of duty is under the immediate authority and command of the Commander. The extent of "authority over all officers" conferred by the 411th Regulation on the "Executive Officer" may be inferred from the following provision: "He is to correct, *as far as his power extends*, all abuses; and, if he observes, or has knowledge of, any violation of the Laws and Regulations for the government of the Navy on the part of any person whomsoever, *he is not to exercise any discretion in the matter, but to make immediate report to the Commander*." And so throughout: "*to the extent of his power*," "*to exercise no discretion in the matter*," "*but to report immediately to the Commander*." What a *carte blanche*! what sailing orders with which to circumnavigate the round of his duties! "embracing everything," we are told, "ranging over all the intermediate stages between matters the most important and the most humble," with the Commander ever directing the course, and forbidding it to be altered a single point. Who, then, is at the helm: the Commander or the Executive Officer? "In the absence of the Commander, the Executive Officer is to act in his stead, but is *not* to alter or change any of his regulations." Then, he is Commanding Officer, but with a restriction, which, in practice, would probably limit the occasions for the exercise of his temporary command principally to exceptional cases

and unforeseen occurrences: and, even for the exercise of this short-lived command, he must soon account to the Commander.

“ In the absence of the Commander, to act in his stead, but not to alter or change any of his regulations.” That is all. On all other occasions, at all other times, the “ Regulations ” reserve the whole command to the Commander, who orders, through the appropriate channels, everything in relation to discipline under his command. In the morning, throughout the day, and when the Commander is leaving the ship, at all times indeed, the “ Executive Officer ” may receive his instructions: and, by express “ Regulation,” he is required, “ in the evening to report the condition of the vessel to the Commander, and receive any orders he may have for him.”

How accommodating is the pen of Commanding Officers! When they wish to write down Staff rank before Congress, how they invoke “ a principle coeval with the Navy and pervading its entire organization,” “ that fundamental law which looks exclusively to the most efficient means of accomplishing the purposes of the government,” which “ does not pause to question the personal wishes of surgeons and pursers, but places them in subjection to the executive lieutenant, because the purposes of law and discipline require it!” Why the purposes of law and discipline require this “ subjection ” in the American Navy, and in no other, is a secret locked up in the writer’s brain. But when, on the contrary, Commanding Officers wrote the section entitled “ Executive Officer,” in the “ Regulations,” they wrote it with a pen of steel: for a more

“ Cabin’d, cribb’d, confin’d ”

officer they could hardly have made him.

“ Forever in his great taskmaster’s eye.”

Where, *in them*, are his high prerogatives, his attributes of command, so essential to discipline and the performance of his duties? What a farce is it, then, to talk of the “ Executive Officer’s ” “ *ordering* ” the beat to quarters, general muster, attendance at divine service, &c.! Why not complete the joke, and, as we have said, talk of his ordering

the ship to get under way, to come to anchor, or to engage in battle? These zealous advocates of the almost autocratic prerogatives of the "Executive Officer" toned down their notions decidedly when they came to the sober work of framing the "Regulations," evincing that the claim set up, and still urged, *for a purpose*, had not deceived even the claimants. The claim had its origin in the question of Staff rank, as a means of defeating it, and had never otherwise been thought of. When to this is added the imputation that the Surgeon "proposes" to "pause" in obedience to any lawful order "proclaimed" through the Executive Officer, or any other appropriate channel, in the instances specified or any other, and that imputation uttered with a swelling air, we reject it as fanciful, without the semblance of reality or probability. The whole charge springs from the imagination that

" Bodies forth the forms of things unknown."

in the inordinate zeal to raise a barrier against the rank and precedence of the Surgeon.

The authority to exercise all, or any, of the command here claimed for the "Executive Officer," embraces a large share of the authority vested in the Commander, and extends to the controlling of all the movements of the ship, even in battle. All these high prerogatives are among the many powers *not* enumerated in the "Regulations" as pertaining to the "Executive Officer," and are judiciously reserved to the Commander, with whom the "Executive Officer" can claim *no equality nor partnership* of command. The functions of "Executive Officer" require no such prerogatives. The possession of them would bring his authority into daily conflict with that of the Commander; and they would never have been claimed for him, nor even thought of, but for the intemperate and indiscriminate zeal of certain officers of the Line, who, blinded by *prejudice*, leave no device untried to exalt "Executive Officers" over Staff Officers of higher rank and older commission, thus disfiguring the service by the monstrous anomaly, without a parallel, of giving precedence to inferiority of rank and juniority of commission. In all *other* cases in the Navy, and in *all* cases in the Army, rank

and precedence go together, are permanent, and regardless of time and place: so that no officer can precede another who ranks him. But *Staff* rank and precedence are, it seems, sometimes to go together, at others not: depending, as was once said of principles, *on circumstances*. At times the junior is to command the senior: at times to precede him: at times not: here, too, according to circumstances: thus making rank and precedence doubly shifting with each other, and with their objects. Thus are they to be dropped to-day and resumed to-morrow, to avail on some occasions and not on others, even in relation to the same individual, and to be kept alternating in their ups and downs, for no purpose of public utility that has yet been shown. What a grotesque attitude is here presented for a painter: an officer standing as a posture-master, to-day with one foot above his superior, and the other below him, and there commanding him; whilst to-morrow he stands with neither precedence nor command! These are the "*ægrissomia*" of the Poet, who has pictured them in the familiar lines—

“*Humano capiti cervicem pictor equinam
Jungere si velit,*” &c.

The *lusus nature*, here feigned by the Venusian Satirist, is exceeded in grotesqueness by the attitude of the “Executive Officer,” as the Line writers have pictured it. No other instance exists in the Navy, in which an officer, or class of officers, is required to yield precedence to an officer of inferior rank, or junior commission: nor would this novel anomaly have been pressed into the “General Order” but to kill it. With what “a universal hubbub,”

“Loud as from numbers without number.”

would the whole Line Corps clamor down any such assault on *their* rank. This enormity, foisted into the Navy on the occasion which we have mentioned, for the purpose of treading down the old Surgeons, works, and can work, nothing but mischief and discord. It inflates the young officer with the lust of power, which, as it does not belong to him, he cannot exercise without risk of collision with the Commander; and hence, we repeat, the “Executive Offi-

cer's" standing complaint, that the Commander is a troublesome cipher, and in his way. It gives to the young officer precedence of his superiors, and authority over them, which, in proportion to his inexperience and vanity, he would be likely to exercise with ostentatious display, and for the abuse of which a Court-Martial would hold the Commander alone responsible. Knowing this, and also the value of his commission, the prudent Commander intrusts to the "Executive Officer" no uncontrolled authority. He issues his orders through him, as the Commander of a Post in the Army does through his Executive, the Adjutant: and, in the one case as in the other, the orders are not questioned: the Commander is the authority: the Executive is the recognized medium. The Commander, it is true, may amiably flatter the vanity of a young "Executive Officer" by the show of independent power: but the leading-strings are never let go, as those with which the nurse directs the toddling child. No Law, nor Regulation, authorizes a double Captaincy, nor permits a Commander to share his power, nor his responsibility, with another. There can be no divided empire. There cannot be two heads: two equal and ruling Sovereigns on the throne, exercising equal jurisdiction. The attempt in two persons to wield independently of each other the same power would beget constant collisions, from the tendency in each to overpass boundaries, and to usurp sole authority. The Law, no where, recognizes the "Executive Officer" as a second Commander, the Commander's *alter ipse*, his other self. Why, but from ill-defined authority, coupled with the reasons we have mentioned, is the Service so constantly disgraced by the collisions and bickerings of those in power? The Line seem to forget, in their zeal to lord it over the old Staff Officers, that, in half the Flag-Ships that have gone to sea, in the last forty years, the Commander-in-chief and the Captain have found some bone of contention to spar over. Scarcely is the ship out of sight of land, before they begin to wrangle about their authority. We have sailed in five Flag-Ships: and, in four, the two Cabin Dignitaries soon fell to squabbling on matters

of duty, and, for the rest of the cruise, sat mum at opposite ends of the table, with heads down, and as grave as judges. As there was not a Cabin at each end of the ship, they had not the resource of the two Light-House keepers, who, when they quarreled, perhaps about rank and prerogative, resolved to dwell in "lonely contemplation," one at the top, the other at the bottom.

"And sing their wild notes to the listening waste."

These gentlemen it is, and such as these, who agree in little else than in hostility to the Staff, that constitute themselves the conservators of the dignity, decorum, honor, peace, harmony, and discipline of the service, standing guard over Staff Officers, and charging on them everything amiss in the Navy.

"Quis tulcrit Gracchos de seditione querentes?"

If the "Executive Officer" needs high authority, it is *to keep the peace in the Cabin*, and to save the Service from shame from the bickerings of its inmates. Give him Captain's authority, to do all the Captain's work, and what do you leave for this Prince of Idlers but to count his fingers, and to devise mischief: for we are early taught that—

"The Devil finds some mischief still for idle hands to do."

Dub him Captain No. 2, and put him in the Cabin of a Flag-Ship; and what a happy triumvirate will be likely to be there, all to themselves. If not in a Flag-Ship's Cabin, at least in

"Pandemonium, the high Capital
Of Satan and his peers,"

there can be peace.

"O shame to men! devil with devil damn'd
Firm concord holds; men only disagree
Of creatures rational."

Yes, it is these harmonizing gentlemen who cannot make a yachting cruise together in the spacious, airy cabin of a magnificent Flag-Ship, which is looked to to represent at least the Nation's respectability abroad, without wrangling.

from sheer want of occupation, about each other's power and rank, and whose discord the devils put to shame, that would clothe a "police" officer (as they call the "Executive Officer") with Commander's authority and prerogatives, for the sole purpose of setting him as an overseer over an old Surgeon, who, as compared with the bustling Line Officer, is the personification of meek-eyed peacefulness. The frivolous pretexts uttered, as we have seen, with quarter-deck pomposity, to cover over this envenomed crusade against the Surgeons, charging them with "pausing to ascertain" whether it is the Captain or the "First Lieutenant" who orders "the drum to beat to quarters," or who gives the order "to attend general muster, divine service, or any more special duty," are unsupported by a single fact; as is also the declaration of the writer that "examples like those cited above might be multiplied *ad infinitum*." Did the officer who wrote and published those grave charges ever know or hear of such a case as he speaks of, or does he believe that such a case has ever occurred, or is likely to occur? If he did not, the charge is defamation and slander, and could have sprung only from the wantonness of hostility to a Corps of Officers whom the Line are madly striving to drive out of the Service, that they may "ship their own doctors for the cruise" from among the needy adventurers who flock hither in quest of whatever may turn up, or who may be picked up like a fifer or drummer, along-shore on any foreign station.

Everywhere the Line "spit upon our gabardine." They talk against us, write against us, frame "Regulations" against us, influence legislation against us, and strive (sometimes, as we have seen, with success) to incline the Department against us. Regarding but one Corps as having rights, and as being the "Navy proper," they would gladly drive out the rest as worse than encumbrances, whom they speak of at best only with patronizing condescension. How easily might their wish be gratified, to brush away these extraneous clogs and hindrances, if they could but contrive for themselves a polytechnic, or jack-of-all-trades, education; by which a ship could be fully officered from their own fraternity, not

only with Captain and Lieutenants, but with Surgeon, Paymaster, Engineer, Chaplain, Professor, and even Jurist, if needed, to determine questions of common and international law, from the want of a knowledge of which grave mistakes have been made by Commanding Officers. Could they but prevail on Congress to gratify their Utopian fancy in this respect, as in so many others, they might send forth from their Naval School or University a united body of officers fitted to do *all* the Navy work, and to fill *all* the departments of the Service. They might, then, if they pleased, discard, as apples of discord, the mischievous words, "Line and Staff," "Military and Civil," "Combatant and non-Combatant," and such like invidious jargon which they are fond of parading with a sneer; and they might appropriately designate *all* the officers *Naval* Officers, educated in a common brotherhood, members of a common body, made one in feeling by a common interest and a common source of life. The Navy would then be as much a unit as if composed of but a single Corps, with no class distinctions and prejudices, and no bickerings and squabbles about rank. Precedence would then go hand in hand with seniority; and there would be no motive for giving to an "Executive" Lieutenant, because he is the ship's "Police" Officer, precedence of an officer ranking with a Captain, whose duty required him to set the Lieutenant's arm or amputate his leg. All, then, would be acknowledged by them to be equally Naval Officers, with recognized rights, and not, as now, one-half regarded as patrician, the other plebeian; one-half lords, the other serfs. A National Ship would not then go to sea, filled with envy, hatred, malice, and all uncharitableness. On the shield of Achilles were figured the people of Troy going forth under the joint leadership of Mars and Minerva. The Line of our Navy would do well to heed a lesson that has come down from the days of Homer, and to beware how they put asunder what the wisdom of antiquity had joined together, and what it had symbolized by an emblem that has commanded the admiration of all succeeding generations.

But the last grievance which the Line would wish removed

is the offence of the Staff Officers : for with whom then would they quarrel, unless with themselves, and what would relieve the dullness and insipidity of the Navy? The very loss of their grievance would grieve them ; as those accustomed to a poisonous drug suffer from the want of it. Sated with all that they can desire in rank and authority, they cling to their war against Staff rank with more than leech-like tenacity : for that sagacious animal drops its hold, when full.

“Non missura cutem, nisi plena cruoris hirudo.”

Is there a commissioned Line Officer on the active list who would not be Secretary of the Navy? And yet who is so unfit, with a mind running in the narrowest ruts, and poisoned against one half of the Navy? With a Line Officer at the head of the Navy Department, would the Moon have “yet fill’d her horns” before the “General Order,” of March 13, 1863, giving to Staff Officers their present relative rank, would be revoked, and the “General Orders” of 1846 and 1847, legalized in 1854, giving to them a lower rank, be revived? for the Department gave, and the Department can take away. Hence it is that we invoke the legislation of Congress to give us what we cannot otherwise hold in perpetuity ; and perhaps nothing could so strengthen our appeal as such a proof of our defenceless condition as would be afforded by a revocation of our rank.

“From seeming evil still educing good.”

We have seen a Commander-in-chief abandon his Squadron, and come home without permission of the Department. We have seen several Commanders desert their stations with the ships that they commanded. We have seen several Commanders-in-chief set at naught the explicit Orders of the Department ; for which some have been reprimanded, and others recalled, and others, again, tried by Court-Martial and punished. And who does not remember the quixotism of one of our Commanding Officers at Monterey, and, more recently, the blunder of another in taking from a British Mail Packet two of her passengers, both of which blunders were

promptly disavowed by the Government? And yet it is Line Officers whom the Line wish to administer the Navy Department. And yet, again, what Line Officer would administer it to the satisfaction of any other, unless the latter chanced to be a relative, or friend, whose interest was especially regarded? The Line are traditional, and one-ideal: the tradition the past, the one idea themselves.

No Line writer has been able to cite an instance of disobedience, by a Medical Officer, of any lawful Order. The ridiculous fictions that we have quoted from their chief pamphleteer have no reality. In default of any such case, they have marshaled into their service an occurrence of last year, in which an Engineer was reported to the Department, charged with having disobeyed the order of an "Executive Officer." This case has made much noise in the Line, and is seized on as a proof of general insubordination in the Staff, and of the necessity to curb this rebellious spirit by increased stringency. Especially does it, according to Line logic, verify their predictions, for a half century, of the evils sure to result from Staff rank. They have been telling us, all this time, that the evil would come; and now, they say, it has come. "There, did we not predict all this?" Certainly they did; and much more that, to their regret, has never happened. They predicted that all the Staff would become insubordinate. But fortune has smiled on them at last: they have tripped a luckless Engineer, and they are now gloating over his disaster. No Medical Officer had gratified the Line by furnishing a grievance. It was enough that some one *Staff* Officer should offend, to call down punishment on half the Navy. That one only offence was too precious not to be made the most of; lest, as it was the first, it might be the last. It roused great indignation in the Line. No existing law was sharp and swift enough for the offence. The offender, we were told, should have been instantly dismissed the Service, without trial. Draco was merciful, compared with these Line indignants; for he punished only the individual offender: whereas their "even-handed justice" would involve the innocent with the guilty. Such

summary, and wholesale justice, however, the Naval mind is familiar with. When Lieutenant G. U. flogged the wrong man, he consoled him by the assurance that it was only a case of prepayment; for that he would doubtless deserve a flogging before the end of the cruise. And when, in the flourishing days of "colts" and "cats," Lieutenant H. R., (after the example of the king of Dahomey, who would sweep off a score or so of heads before breakfast as an appetizer,) boasted, when he came down from the morning watch, that he had flogged a whole "top," he wound up with the philosophic remark, "that is what I call even-handed justice," doubtless with Macbeth in his mind's eye.

"Well had the boding tremblers learned to trace
The day's disasters in his morning face."

In like manner, in the case before us, not only was

"The Engineer hoist with his own petar,"

but with him all the Staff Officers likewise were blown up *en masse*; for the Honorable Secretary declining, for reasons which he states, to "direct his trial by a Court-Martial," contented himself with administering a "general" "admonition" to "Surgeons, Paymasters, and Engineers" for the future, as in the following "General Order," which, when last cited to us by a *Line* Officer to prove the necessity of authority by "Executive Officers" over all Staff Officers, was cited, for our especial benefit, with this variation, that the offender was miscalled an Assistant Surgeon, and berated accordingly; as in the case of Lieutenant U's "wrong man," who was flogged by mistake:

GENERAL ORDER, }
No. 87.

NAVY DEPARTMENT.

September 7, 1868.

Chief Engineer Mortimer Kellogg has been reported to the Department for the following offences, committed by him while attached as Chief Engineer to the U. S. Steamer *De Soto*:

1st. On the 28th of May, 1868, refusing to obey an order given to him by the Executive Officer of the *De Soto*.

2d. On the 5th of July, 1868, depriving Midshipman

J. N. Hemphill of the command of the ship's dingy, and assuming command himself.

3d. On the 14th of July, 1868, hailing a boat from the quarter-deck, in the presence of the officer of the deck, after the latter had refused to hail the boat.

These offences appear to have been deliberately committed by Chief Engineer Kellogg, under the impression that his seniority of rank entitled him to disregard the authority of any junior officer, whether of the Line or Staff; and the Department would have no hesitation in directing his trial by a Court-Martial, but for the consideration that the judgment of the court, in a case of this character, might not be regarded as altogether impartial, and the consideration, also, that many Staff Officers may not be well informed of the extent of the privileges accruing from their relative rank.

A little reflection will suggest to any intelligent Staff Officer that his rank must necessarily be merely assimilated; that the Line and Staff Officers receive a distinct training and education, qualifying them for distinct duties, and that a surgeon, paymaster, or engineer, is no more expected to direct the movements of a ship of war, discipline her men, or manage her batteries or appurtenances, than the Commander, Executive Officer, or any Line Officer, could be expected to perform the duties of a surgeon or paymaster.

The law on each occasion of granting assimilated rank has carefully provided that such rank "confers no authority to exercise command;" and the Navy Regulations specify, distinctly, the only circumstances under which Line and Staff Officers will take precedence according to relative rank. The privileges of assimilated rank have been extended by the Department as far as it can be done with due regard to discipline and efficiency; and it is to be regretted that the result of these concessions is a disposition, in any quarter, to grasp at or insist on further privileges.

This disposition cannot be encouraged by the Department, and after this admonition there will be no hesitation in subjecting such cases as this of Chief Engineer Kellogg to the action of a Court-Martial.

GIDEON WELLES,
Secretary of the Navy.

The sum of man's duty is to obey all laws, human and divine. Obedience to the orders of the Line is, they boast, the sole duty of the Staff. One has but to command, the other to obey: one to be master, the other slave. This rela-

tion the Line thrust into Mr. Brancroft's "General Order" of 1846, already cited. Its "Executive" clause has, from the first, done nothing but mischief; it can continue to do nothing else. It is the crowning injustice of the Line, with no parallel in the Navy, nor out of it; a constant humiliation and offence to the Staff; at war with the spirit of equality which this age and country cherish; at war with every feeling of dignity and self-respect, and at war with the peace and harmony of the Navy. It is a wrong which the Staff have borne with amazing forbearance. But the day may not be distant in which they may, at length, be tired out of endurance, and in which, (to quote the words of a distinguished orator,) "if penalty does not pause in the pursuit, patience may turn short on the pursuer." The very Order of Mr. Welles, above given, illustrates all we say. An individual offends; and all the Staff of the Navy are reprov'd. We know of no instance in which *all* the *Line* Officers have been "admonished" for the offence of one of their number. We have quoted the admonition of Mr. Mason, in 1848, in the case of a Commodore in command of the African Squadron. The Secretary reprov'd the offending Officer, but not *all* the Line. It is high time that this unjust and mischievous "Executive" clause, fastened on the Staff Corps by Congress, in 1854, should be consigned to the tomb of the Capulets.

"Forever in oblivion there to dwell."

The Staff should not tire in invoking Congress to crush it out as a constant offence, which, if applied to Line Officers, they would drum out of the Navy, as it is out of the Army. We have never known a Line Officer, who ranked the "Executive Officer," to allow to the latter precedence nor authority; and only fictitious pretexts have been assigned for setting an "Executive Officer" over a Staff Officer who ranks him. The Commodore who is Chief of the Office of Detail, and the Adjutant General of the Army, who are respectively the Executive Officers of the Navy and War Departments, issue all orders "*by authority of the Secretary*;" without which five words, who would heed them? Let the Officer of Detail send

to a Rear-Admiral an order, omitting the words "*by order of the Secretary*;" and the Rear-Admiral would not be likely to pronounce it "absurd" and "preposterous" to "propose" to "pause to ascertain whose command was thus proclaimed" before obeying the order. Here, as before, principles depend on circumstances. What a mockery, then, is it to claim for a ship's "Executive Officer" any *authority per se* over a Staff Officer of higher rank. As the *medium* of communication, the "Executive" is ever recognized; and the Captain's orders through him are never questioned. But that a Lieutenant, or Lieutenant Commander, under the new-fangled name of "Executive Officer," should, as the Captain's "Police" Officer, have precedence and authority over a Surgeon of higher rank or earlier commission, is an outrage perpetrated on the Staff to degrade them, and which, we repeat, Surgeons should never tire of invoking Congress to crush out, as the crowning injustice of the Line.

There was joy in the Line over this "admonition" by the Honorable Secretary, which could not have been more to their taste had it been written by one of them; for it will continue to be urged in justification of all the Staff degradation that they are striving to deceive Congress into. It is a "drum ecclesiastic" for the Macbriars, Mucklewraths, and Pound-texts of the Line to hammer away lustily on, as did the Infernal Peers of the Stygian Council, when they—

"reasoned high
Of Providence, foreknowledge, will, and fate,
Fix'd fate, free will, foreknowledge absolute."

"Ah! Diamond, Diamond, thou little knowest the mischief thou hast done," was the lament of Newton on an occasion familiar to every school boy. Such is the lament of the Staff over the wrongs they have long suffered from the Line; and such their lament over this "admonition," by the Secretary, of the hundreds of officers who are not charged with having offended. Such things the Staff seem fated to, as the doomed half of the Navy. Of the two urns that forever stood at Jove's right hand, their fortunes were dropped into that of evil. What Surgeon, had he known what

he now does, would have wished to enter the Navy? Our own conscience is guiltless of ever having recommended it to any member of our profession; nor, from the tendency of Naval life to warp and dwarf the mind, have we ever advised any youth to enter the Line Corps, notwithstanding its monopoly of all the good things of the Service. But our wrongs are becoming known in the country; and few now seek the Medical Corps; while the tide sets with undiminished force to the Naval School at Annapolis. If any youth, accustomed to be treated like a gentleman, is hesitating whether to enter the Medical Corps of the Navy, his doubts would be apt to be settled should he chance to read the "General Order" of the Honorable Secretary Toucey, of the 17th August, 1859, yet unrepealed, in which, after an expression of confidence in the "humanity of the Medical Officers of the Navy to respond to any appeal for their assistance whenever the requisite aid cannot be obtained elsewhere," he *compliments* them by adding: "*An exception may be made in favor of vessels in distress, when, if necessary to secure the requisite medical aid, the authority of the Commander may be interposed.*" Like the Irishman's reciprocity, the compliment here, after a sober, second thought, seems to be all on one side.

"To say and straight unsay," &c.,

was the scornful reply of "the warrior angel" to the Spirit of Darkness on an occasion familiar to the readers of Milton.

Having now considered the incongruity of the clause in Mr. Baneroft's Order, which gives to "Executive Officers" precedence of Surgeons of higher rank, and the exaggerated meaning, unsustained by the "Regulations," which Line Officers give it, an Order, which, as they failed to prevent it, they thus strive to nullify, we proceed to inquire, why was the Order asked for by the Surgeons? What was it intended by the framer to mean? Why was it resisted by the Line? And how have they interpreted and executed it?

It was asked for on account of no special object peculiar to the Medical Corps, but for common reasons permanently belonging to every corps in every military organization, the

reasons precisely, and none other, for which rank was given in the Line. Rank is indispensable, and equally so, to *every* class of Officers in the Service and for the *same purpose*, viz: to define the relations of the different corps and grades to each other. The dictum of the Line, repeated as an axiom, that "rank involves command," which underlies all their notions in regard to the assimilated or relative rank of the Staff Corps, we shall hope to show to be an error: an error which, though often exposed, they still cling to as the sole pretext for their opposition. For every reason which the Line Officer has ever *truly* alleged why rank should be given to him, for the *same reason* does the Medical Officer allege, and with *equal* truth, that rank should be given to him also.

Though we have stated briefly what, in our opinion, is the important purpose of rank, viz, to mark the relations of Officers to each other, (a view which we do not find in the writings of Line Officers,) we have said nothing of the distinctions, honors, and privileges which are admitted to accompany rank. These marks of distinction, these "badges" or "insignia of rank," even the Line do not ignore, *on the public account solely, in no degree on their own*; as we are informed, in one of their pamphlets, that "the formal observances of ceremony in military institutions are not without their value. They were appointed in part to serve as the distinguishing quality or badge of rank, and in part to invest State occasions with a certain degree of sober dignity and decorum. They constitute in a general way the 'pomp and circumstance' which form the prestige of the service, and thus captivate and impose on the imagination, and produce a happy moral influence. In *public* processions it is found more conducive to the symmetry and picturesque effect of the pageant to group officers of the same class together, and more in accordance with the spirit of a military display to give military men the prominent position." The writer has thought it worth while to "merely mention" this glitter and gewgaw, this pomp and pomposity of rank, as "not without their value." He immediately adds: "But *we* attach no especial value to mere rights of precedence in such

cases, nor to the subordinate circumstances of congruity and harmony :'' as if he felt that he had been too much dazzled by the trappings of rank to see anything else in it, and recoiled from the frankness of his own admissions. We would gladly accept this disavowal, did we find in the pamphlet of this chief of Line advocates any distinct declaration of a higher estimate of the value of rank : for, except a general expression of opinion that Staff rank would conflict with the discipline and efficiency of the Service, he dwells on nothing else in rank than its paraphernalia. The *omne ignotum pro magifico* lives uppermost in his mind, as in that of other Line writers. None of them undertake to show *how* discipline is impaired by Staff rank. They merely *assert* it, as if generally admitted. Otherwise, they give it a wide berth ; so wide that it is beyond their ken. The most that they say is that rank is given to one class of officers because the " public good " requires it, and that it is not given to another class of officers because the " public good " does *not* require it ; but it never occurs to any of them to inform us *how* these things are so. They never tell us why, in democratic America, the Surgeon cannot rank with the Line Officer, they being *socially equal*, whilst, in monarchic Europe, the Surgeon may rank with the most aristocratic Line officer, without injury to discipline. These are important questions, to which, as already said, they give a wide berth.

We have seen, near the beginning of this essay, with what a dashing *coup de main* " Survey " disposes of the difficulty, when, after the statement of the claim by the Staff Corps, " that, as European navies have found it necessary to give high rank to their Staff organizations, and because Congress has conferred *de facto* rank upon the Army Staff, the Engineers, Paymasters, and Surgeons of the Navy ought, forsooth, to be put upon an equal footing with them and with the Line," he replies, with characteristic force and logic, " as for the examples of the Army, or of foreign navies, they are no more a precedent for our Navy than an equally unfortunate and absurd fact," &c. Provokingly unfortunate, indeed.

for the Line, and *hence* provokingly absurd, but a *fact* notwithstanding. "Survey" dislikes the fact, and calls aloud, "Out, damned fact!" Yet it sticks.

Line writers delight in reminding the reader that *they* are disinterested, and Surgeons selfish, in wishing rank, but show no proof of either, nor why rank is more needful to one than to the other; this may never occur to them, thinking their word sufficient. Line Officers say that Surgeons are ambitions, and Line Officers are honorable men. They are somewhat *liberal* in personal imputations and disparaging epithets, which they "have felt it their duty" to utter, but generally close with kind words, and disclaimers of disrespect, on the principle, perhaps, that all is well that ends well. But the bitter conflict is soon renewed, and as often ends in the same creakoo song.

We say, then, that we have looked in vain in the pamphlets of Line Officers for any true reasons for giving to them rank that the Surgeon will not readily accept as equally valid for giving the same to him; though we differ widely from them in regard to the *nature* and *purpose* of rank, as we shall have occasion to explain. Staff rank is the *only* remedy for the ills that the Line forbode, in Cassandra tones, as the consequence of conferring it. It acted like a charm in the Army, and stilled the long troubled waters, notwithstanding its "absurdity" in the opinion of "Survey." And, despite the predictions of the Line, it is, we do not doubt, the only thing that will do it in the Navy. Without it there will continue to be war; with it there will be peace.

With what an air of vagueness and mystery do Line writers approach the question of the purposes of rank! And how simple-hearted and child-like are their admissions! How much honesty is there in the following: "For the support of authority on board ships and in camps, it has been, and still is, deemed necessary to invest those who are to exercise it with a degree of personal consideration entirely distinct from their individual character. It is their robe of office. One method of keeping this delegated importance

constantly before the eyes of the governed is to require, upon certain occasions, certain outward acknowledgments of its existence." "These little matters, so small as scarce to admit of a discussion," are, the writer pleasantly adds, "a species of distinction, which, apart from a military character, is beyond expression puerile and meaningless." "Has the world retrograded a century, that men of books are to abandon the highest fields of distinction, and turn to the muddy streams of military renown? Why, surely, there must be something infectious in the air of military championship, which can so bewilder the minds of men of intelligence, men above the average, perhaps, of ordinary society."

It has been said, "strip majesty of its externals, and it becomes a jest." This our writer has been doing with the Line. He clothes them with the "robe of office" to give them "importance" and "consideration;" whilst the Surgeons, he conceives, do not require "their position and worth to be endorsed by the fiction of rank." Where, then, does the writer leave his brethren of the Line when he strips them of "the fiction of rank?" And is it for such a purpose as this that the Government raises one portion of its citizens to a "fictitious" superiority over their social equals? This is the highest view which Line Officers seem to be able to take of the objects of rank and its ceremonials, resolving them, under the thin guise of public regard, into considerations of personal aggrandizement. Such notions as these infest the military mind, which, from education and association, runs, unconsciously to itself, in military ruts, rarely taking an outside view. We are aware that it takes a long time to educate out of error, and are hence encouraged to persevere, having confidence in the *ultimate* prevalence of right reason and truth. We know that, for this end, we must surmount an "Ossa upon Pelion" of ignorance and prejudice, when we are met, among intelligent men in the community, as well as in the Committee rooms of Congress, by the inquiry, "What do Surgeons want with rank? What can it add to their respectability? Why can they not live on the *courtesy* of the

Line?" These and like questions are readily asked, and as readily answered; though the answers may not always be appreciated; as the best descriptions of sound and color fail to represent them to the deaf and blind. Since, however, "seeing is believing, and feeling is the naked truth," we would suggest to the incredulous a cruise in a man-of-war as a Surgeon, assured that he would return a convert to the *necessity* of Staff rank for the "public good." On that subject Medical Officers are unanimous, as the result of that best of teaching, *experience*. Would the Line of the Navy but take counsel of a more enlarged experience than their own, that of foreign navies, and of the Army, they would drop their traditional opposition to Staff rank, which, though it will ultimately die out, they have thus far successfully maintained from the mere force of numbers and military prestige, aided by skilful political tactics. The present harmony between the Staff and Line of the Army, in contrast with the former want of it, will induce the wisest among the Naval Line Officers to yield opposition, for the sake of peace, even against their life-long opinion, when they shall come to know that their opponents are as determined as themselves. And the sooner they shall attain this wholesome knowledge the better for both. We express this hopeful view, knowing, the while, their cherished reverence for "time-honored" errors, the abandonment of which these self-constituted conservators of the discipline, efficiency, peace, harmony, dignity, and decorum of the Navy, regard as fraught with direful consequences, charging on it a catalogue of evils too long to be here enumerated. This stereotyped cant, this paralytic puling, has never deceived any body but themselves: and even they now tire of drumming on it.

We have adverted to the recusancy of some of the Commanding Officers, in ignoring, under one pretext or another, the General Orders of Mr. Bancroft and Mr. Mason conferring Staff rank. But the recusancy was not always ignored by the Department, as will be seen by the following reply to a reference to it in the case of a Lieutenant, who, on a

mixed board appointed to *inspect provisions*, refused to yield precedence to a Purser, who was his senior :

Letter from the Secretary of the Navy to Commodore ———.

“NAVY DEPARTMENT.

“August 4, 1848.

“Com. ———,

“*Commanding U. S. Squadron, Coast of Africa :*

“SIR Your dispatch, No. 36, of the 30th December, 1847, with its enclosures, has been received and considered.

“The question raised by Lieutenant R——, and the disposition made of it, have alike excited my surprise. The terms of the general order are explicit, and admit of no doubtful interpretation ; and the conclusion at which you arrived, as well as the reasons given, admit of no other interpretation, than that you did not deem it expedient to enforce the general order of the Department.

“It is not possible to conceive a case in which the propriety of the order could be more apparent. In an inspection of *provisions*, a Sea Lieutenant claims precedence over a Purser of older standing in the service according to date of commission.

“There was no right of military command claimed by the Purser ; and, if necessary, orders to the few men employed could as well have been given by the Lieutenant, as a junior, as if he were the senior member of the board.

“The Department has no doubt that Lieutenant R—— assumed a precedence over Purser H—— directly in contravention of the regulation : and, on all future occasions, you will be pleased to execute the order according to its letter and spirit.

“I am, very respectfully, your obedient servant,

“J. Y. MASON.”

This admonitory letter from the Department, enjoining observance of the “General Orders,” gave displeasure to the Line ; for, eighteen months after its date, and when a new Secretary had come in, one hundred and forty-seven of their number took him to task about them, by addressing to him, in March, 1850, a joint memorial, characterizing the “Orders” as “vague, indefinite, and impracticable,” and declaring that assimilated rank had been given “at the expense of the discipline and harmony of the service :” in confirmation of which statement they refer to the above-recited

case, and to that alone, as "involving a military solecism without parallel, as recently exhibited in the Squadron on the coast of Africa." This case, as correctly stated in the Pamphlet to which we have referred, "was simply one of disobedience on the part of a lieutenant, who refused to yield *precedence* to a purser who was his senior, in accordance with the General Order,* both being of a mixed board, appointed to *inspect provisions*, a duty more german to the Staff than to the Line. Had the lieutenant signed the report of the board *below* the purser, it is difficult to conjecture in what manner the discipline of the service, or the public good, could have been impaired. The Secretary of the Navy, to whom the case was referred, had 'no doubt that Lieutenant R — assumed a precedence over Purser H — directly in contravention of the regulation.'"

These one hundred and forty-seven remonstrants, counting on array of numbers, made bold to beard the Department; forgetting that the time has been when less insubordination than theirs has been known to lighten an officer of his epaulets. These gentlemen it is, and such as these, that constitute themselves the proprietors of the Navy, and the sole guardians of its character and interests. They talk of it, and of every person and thing in it, as "*theirs*;" "*my ship*," "*my officers*," "*my crew*," "*my command*." They exclaim, each one of them,

"See all things for *my* use."

They denounce as "absurd," "preposterous," and "destructive to the Service," every Regulation of the Department, and every law of Congress, touching "*their*" Navy, that accords not with their notions, and obey only such as suit them. They wrangle bitterly about each other's rank: whilst, as against the Surgeons, they stand shoulder to shoulder to defend the "discipline," "harmony," "honor," and "dignity" of the Navy. On this monopoly we forbear other comment than in the familiar couplet

"And just as short of reason he must fall,
Who thinks all made for one, not one for all."

Nor was it alone in the Pacific Squadron, where, as we have seen, the "General Orders" were *ridiculed by a facetious Commodore*, nor yet in the African Squadron, where they were *ignored by an eccentric one*, but, in the Mediterranean Squadron, *an autocratic Commodore proclaims*, at the start, "*I am Secretary of the Navy here.*" and, "at one fell swoop," abolishes, by a military *coup de main*, all Regulations of the Navy Department, except such as have been "approved by the President, (*so far as they are in use.*) and my own Regulations for the *method* and government of the Squadron," and all Orders of the different Bureaus, which, by the act establishing the Bureaus, Congress has declared to have the force and effect of Orders from the Secretary of the Navy; this usurpation and rebellion announced in circular orders to the Commanding Officers of the Squadron; and all this notwithstanding a recall from a former command on the same station for like offences, by the following Order: "An officer who debates, instead of obeying, the orders of the Department, is unfit to be trusted with the interests of the Government. Your successor has, therefore, been appointed; and you will return to the United States in the way most convenient to yourself."

Do the records of Courts-Martial and of Retiring Boards warrant this assumption? Has any one of the thirty-two Medical Officers on the Retired List been put there from insubordination, immorality, disgrace, or from other than physical causes, not affecting character? Not one. Contrast this fact with the verdict of the Board of Line Officers, of 1855, which retired *two hundred and one* (201) Captains, Commanders, and Lieutenants, out of about five hundred: one-half of them, it is believed, or one-fifth of the whole Line, from causes affecting their character as officers or as men.

As a further illustration of the estimate by Line Officers of their *own* Retired List, there is a movement among such as do not relish their company, on the *noscitur a sociis* principle, to effect, through Congress, the separation, in a distinct class, of those honorably retired from the others: a

separation which might possibly reconcile to the honorable division one of the distinguished Rear-Admirals, who, in lately preferring his claim to be continued on the Active List, sees the Retired List "under one cover" an Asylum and a Botany Bay." These officers, with such a record written by themselves, and who are ashamed of one-fifth of their corps, are standing up against all other navies of the world, in arrogating for *their corps* exclusive rank, with all its privileges and honors; whilst (to quote their own language) they would "suffer" the Surgeons as "auxiliaries" merely, and "not as essentials." Their cry is, "Let us alone;" and their assumption recalls the dogma of Dr. Johnson, that "the loudest yelps for liberty come from the drivers of slaves."

We have answered, *in extenso*, the four questions asked. Recapitulated, the answers are these:

1st. The order conferring rank on Surgeons was asked for because rank, or definite relative position, is necessary to *every* person in a military organization. This is a principle underlying all government. Vattel declares the law when he says: "The Government ought precisely to determine the functions, duties, and rights of all military men." The multifarious evils resulting from neglect of this principle are depicted in the admirable extract, already given, from the Report of Mr. Upshur.

2d. It was intended by its framer, Mr. Bancroft, to define the position of Surgeons in relation to each grade of Line Officers, and thereby put an end, in the language of Mr. Upshur above quoted, to the "disputes, contests, disorder, and confusion" resulting from the former "uncertain condition of official rank and authority."

3d. It was resisted by the Line solely because, inordinately ambitious of personal aggrandizement and exaltation, and of a monopoly of the honors and privileges of the Service, they could, as already stated,

/ "Bear, like the Turk, no brother near the throne."

4th. They have interpreted it to be, in the words of

“Survey,” “*a rank humbug*,” and they have executed it by kicks.

That we may not be accused of stating unfairly the position of the Line Officers, we will give it in their own language, as used in a Report to the Department in 1858 by members of their own Corps, of the highest character. “It is true,” they say, “that the General Orders in view have become legalized; but still they confer nothing *substantive* in the way of rank, nor anything that can justify the claims of precedence and etiquette incident to substantive rank; for *rank without the authority to exercise military command is as the shadow to its substance. The great object of military rank is to enable its possessor to exercise the command and authority which it bespeaks*, and, coupled with seniority, to establish a regular order of succession to command. *Precedence necessarily follows as a consequence of this rank*; nor can this state of things be interfered with without disturbing palpably the efficacy of rank, lessening the authority and consequence of those who hold it in the eyes of others under them, more especially the crew at large, and thus in fact impairing discipline and subordination.”

We have copied this full extract for the reason stated, and also as the only exposition of Line writers on the subject. All the others, to the extent of our knowledge, are curt, positive, inexplicit, and confused. They utter their dictum, and then leave it. Stating no reasons, they give no argument to be answered, and require their opponents to prove a negative. The Line Officers who penned the Report from which the above extract is taken expressly declare, in common with the rest of the Line, that the “General Orders confer nothing substantive; for that rank without command is a shadow.” Why, then, do they resist them? What harm can a shadow do them? And why did the Department reprove a Commodore for ignoring them? If they give nothing and mean nothing, how do they account for the triple fact that the Surgeons asked for them; that the Department issued them; and that Congress legalized them? All three, then, have been deceived, the Surgeons especially;

for they asked for a "substantive" good, and, in perfect faith, accepted the "Order" as such, little dreaming that it was an illusion.

"Like Dead Sea fruits, that tempt the eye,
But turn to ashes on the lips."

Thus far, then, the Department and Congress have utterly failed to give to the Medical Corps *anything* which the Line recognize and respect; and the Surgeons are virtually, after a *fifty years'* struggle, as destitute of *acknowledged* rank, privileges, or legally-defined rights, as they were before it. They have been signally defeated.

Early determined to ignore an Order which they had endeavored to prevent, and which, failing in this, they hampered with an incongruous clause artfully foisted in, the Line were at no loss for reasons. At first, it was "illegal." Congress met this objection by legalizing it. Then, it was "vague, indefinite, and impracticable." The Department ruled that "the terms of the General Order are explicit, and admit of no doubtful interpretation," and enjoined, for the future, its execution, "according to its letter and spirit."

But the argument of arguments against the "Order," and conclusive against Staff rank, is the dictum, controverted whenever uttered, that rank and command are inseparable; that is, that there can be no rank without command, and no command without rank; and, as a corollary, that the Order, by giving to Surgeons rank, has given to them command, or, not having given command, has not given rank, implying that, but for the inseparable connection of rank as an invariable antecedent, and command as an invariable consequent, and the impossibility of conferring rank without, thereby, conferring command, they would not object to Surgeons having rank. When Staff rank is named, it is Staff command that they see; and hence it is the *bête noire* of their thoughts even in the visions of the night.

The dictum of the Line, thus explicitly given, is expressed, in brief and general terms, in extracts already made from their writings; as, for instance, we are told that "the great

object of military rank is to enable its possessor to exercise the command and authority *which it bespeaks*." "Survey" also expresses briefly but clearly the same idea, when he says: "After all, (of) what good is rank without the privileges and right to command *which necessarily pertain to it*." Another Line writer phrases the idea thus: "Rank for the purposes of *command*;" "a power to be exercised for the purpose of its institution over those who have no such power or rank." All their writings that we have seen say the same thing: that rank confers command, or, as some of them modify the expression, "the legal competency to command." On this they base their objection to giving Surgeons rank: and yet it seems never to have occurred to any one of them (whose writing we have seen) to do more than utter the dictum, without one fact or reason in support of it, as if it were as universally admitted as that two and two make four.

The position, then, of the Line, as stated many years ago, by a distinguished officer, now a Rear-Admiral, in a Pamphlet of standing authority, (a text-book, indeed, it has been styled,) is that *the Line are exclusively the "military branch,"* that "the great aims and objects of the Navy are military, and the conduct, control, and management of it were designed to be, and must of necessity be, absolutely military. As a *mere appendage and auxiliary* in the carrying out of this scheme, parties engaged in the pursuits of *civil life* are resorted to." "The *Civil branch* derive their designation from the complexion of their functions, which are *eminently of the civil kind*, as distinguished from the military. This branch consists of Surgeons, and accounting officers styled pursers." The writer's "general conclusions" are "that rank and authority are given by the Government exclusively to carry into effect its own purposes, and that they are not given as marks of personal distinction, except so far as they are needful to accomplish the objects in view. They are given in military institutions to the military class, as indispensable means of performing its duties; and, on the other hand, they are *not* given to the Civil branch, because the peculiar functions of that branch in nowise depend on them."

We have preferred to let the writer speak, *in extenso*, for himself, rather than run the risk of doing him injustice by giving his views in a few words of our own, and, particularly, as he has said so much that we shall endeavor to controvert, the soundness of which the Line rely on as *vital* to their cause. The writer's "conclusions" are his opinions undoubtedly, or were so, at least, at the time; for, lower on the same page, he tells us, under a shift of opinion, that "it would be vain to attempt to trace the origin of rank to any well-defined law:" and that "the order of rank is derived from naval custom or usage from time immemorial." "It is anterior to any laws that have been passed on the subject." The statements are in conflict with each other; and neither is in harmony with the facts. To him, and other writers of the "*military branch*," who reach "*conclusions*" as he does, we commend the monition of Curran: "I am aware, my Lords, that truth is to be sought only by slow and painful progress; I know, also, that error is in its nature flippant and compendious; it hops with airy and fastidious levity over proofs and arguments, and perches upon *assertion*, which it calls *conclusion*."

Their dictum, in a word, is that the Line are the "military branch" of the "military institution," and can alone have "military rank," which embodies "authority" and "command:" whilst the *Staff* are the "*Civil branch*," "an adjunct," "a mere appendage," "wholly subordinate in a military point of view," their "connection with the Navy incidental and not direct," and, as they can have no "authority" nor "command," they can, therefore, have no "rank."

Had the dictum been set forth that the Line are Caucasian, and the Staff Mongolian, and that the fair Caucasian must have rank, and the yellow Mongolian be denied it, it would not have been more contrary to fact and reason than is the present dictum of the Line; for, while it is a fact that the Line are Caucasian, and are military, it is *not* a fact that the Staff are Mongolian, and are civilians. The designation of the Staff as "civilians" and "non-combatants," terms un-

known in Military vocabularies, was gotten up for the sole purpose of denying them rank. There is *no civil* branch in a *military* institution. There are no non-combatants in a ship in battle. At all times, either none fight, or all fight: even if that circumstance had any true relation to the question of rank. This whole matter has been so well stated by others, that we cannot improve their language. One of them wrote in 1858: "The Navy being essentially a military institution, *all its members* partake of a military character, and are alike amenable to its orders, regulations, restraints, and punishments. Hence the necessity that *every* class should have some fixed, well-defined position, leaving nothing to uncertain courtesy, or the illy defined usages of the service." Another writer, whose admirable pamphlet we have specially commended, reasoned thus conclusively on the subject in 1850: "All men who are necessary to complete a military organization, whether for an army or navy, *are military men, because they are governed by military laws.* The military character of men of an army or navy is *not* dependent upon the *nature* of their duties; but grows out of the military manner or fashion according to which their duties are performed. In an army or navy, every man acts according to military regulation: he eats, drinks, sleeps, dresses, and moves his body: he takes medicine, even: submits to surgical treatment, when necessary: worships God, dies and is buried, all according to military rule. A military spirit and manner extend through every department and ramification of every well-constituted military community, of which no member can be, correctly speaking, a civil officer, or civilian." The writer justly adds: "*Any act, the performance of which can be rightfully compelled by military law, is a military act*; washing, cooking, sweeping, scrubbing, horse-shoeing, surveying land, building houses, erecting forts, are as much *military acts*, when their performance can be enforced by military laws, as charging and firing canons or muskets in the face of an enemy. Splicing a rope, washing decks, setting and taking in sail, are daily acts both in merchant vessels and ships-of-war: on board the former, they are *civil* acts,

because the order or command to execute them is sustained only by the civil law ; but, on board of the latter, it can be enforced only by military law : and thus commonplace acts of civil life are converted into military duties and performances. In this sense *military* command and *naval* command are synonymous : although the former term by custom is commonly restricted to an army on shore, the military character of the navy not being generally perceived. In common parlance, the navy is not included as a branch of 'the military profession :' nevertheless, it is essentially a military service, and should be so considered always by legislators." How this lucid and conclusive exposition scatters the dictum of the Line, that the Staff are civilians, mere outsiders, not within the "military branch" of the "military institution," and cannot, therefore, have rank, which is an exclusively military badge. To be *consistent*, the Line should reason thus : Should an Assistant Surgeon disobey the Commander, be tried and dismissed, it would be the case of a *civil* officer committing the *military* offence of disobeying the *military* order of his *military* superior. Should he disobey the Surgeon, it would be the case of a *civil* officer committing the *civil* offence of disobeying the *civil* order of his *civil* superior : the dismissal, in the former case, being *military* ; in the latter, *civil*. The junior Medical Officer, then, has only *civil* relations with the Senior, as if outside of the "military institution : " whilst the Line Officer's relations to both are exclusively *military*. It may be that the Line dictum was not intended to be carried to its *logical* results, but conveniently to stop when it had reached its purpose : so that Surgeons are civilians *only* on the "rank" question. But, woe betide the transgressor of military law.

"Off with his head ; so much for Buckingham."

Such is Line logic, half-born, arrested in midbirth, like Milton's lion—

"Pawing to get free his hinder parts."

Had these critical reformers of Naval terminology been

willing to forego the happiness of designating themselves "the exclusively *military* branch," and *their* rank "the exclusively *military* rank," terms appropriate to the Army in *all* its "*branches*" and *all* its "*ranks*," and, with a just conception of the meaning of "rank" as one and the same in all its varied applications, been content to use it alone and without prefix, in its only sense, a proper use of it as applicable equally to *all* corps of officers, or, in its especial and distinctive application to their own profession, to designate the rank of *all naval* officers simply *naval* rank, (as the rank of *all* Army officers is designated merely "rank," or, distinctively, "*military* rank,") they would have spared themselves the unpleasant necessity of excluding the Staff Corps from naval rank; unless they excluded them from the Navy, and treated them as "appendages," hangers-on, by "sufferance," on its outskirts. By this use of the one word "rank," or the substitution of the words "naval rank" for "military rank," some of "*the* exclusively *military* branch" would have been saved all their present confusion and perplexity. Throw the *military* interloper overboard, and the Navy will embrace in its ample folds the whole brotherhood of officers, the now excluded, as well as the included half. The Army, more hospitable, finds room for *all* under the appropriate designation of *military*.

Any Line writer, who may wish to be informed who are "Civil Officers" in the Navy, may find an enumeration of them in "the Statutes relating to the Navy of the United States" recently codified by authority, Chapter VII, page 20. They are Civil Engineers and Storekeepers at Navy Yards, Storekeepers on foreign stations, Pyrotechnist, and sundry specified officers temporarily employed at a Navy Yard. These are all the officers whom the law calls "Civil Officers," and Staff Officers are not embraced in the list, to the discomfiture of the Line, whose favorite sneer at the Staff is, Oh! they are "mere civilians;" they don't "point the guns;" what do they know about "military principles?" "Their only duty is to obey us;" they don't belong to the "Navy proper." Till "*the period of executive interruptions*," in which Messrs.

Bancroft and Mason filled their heads with "ambitious" notions of "personal aggrandizement," they lived on our "courtesy" and "forbearance," which, in all reason, should have been sufficient.

In considering the dietum of the Line, that rank involves command, the first inquiry is, what is rank? As commonly used, it is row or line; order, class, series, relative station, grade; degree of dignity, eminence, or excellence; *in military matters*, degree, grade, as the rank of Captain. Hence, to rank, as an active verb, means to place abreast in a row, or in a line: to range: to place in a particular class or order: to class: to arrange methodically; to classify; and, as a neuter verb, to be ranked or ranged; to be placed; to have rank, order, or grade; to have a certain grade or degree of elevation in the orders of civil or military life. The whole meaning of rank, in all its varied applications, in both civil and military life, is included in the above definitions; *not one* of which necessarily implies *authority*. This, *when it exists*, comes from another source. It may, or may not, coexist with rank. Generally, it does not; and is *never* derived from it. Even when the word "rank" is used alone to imply high rank, high place or station, dignity, eminence, nobility, &c., no idea of authority over others is conveyed, but merely that of high place, precedency, or priority, relatively to others. High rank implies precedency, but *not* authority over low rank. A duke precedes a marquis, but has no authority over him: a marquis none over an earl; nor an earl over a viscount: nor a viscount over a baron; nor any of them over a peasant, by virtue of rank. The gradations of rank mark merely their relative place in the social or official scale: the position of higher or lower, of before or after, and the degree of honor and privilege, of respect and ceremony, of right and immunity, pertaining, as a determinately and precisely defined, well-understood system of rights and privileges, to each place, and to each individual occupying it, irrespectively of *all* personal considerations, whether of merit or authority. As respects authority, each

grade, so far as mere rank is concerned, is as independent of all the others as if they had no existence.

As is social rank, so is, what the Line denominate, *military* rank : a designation dwelt on by them as implying two kinds of rank. This is another dictum, for which they offer neither facts nor reasons ; an "assertion on which they perch, and which they call conclusion." As social rank is the relative position of a civilian, so *military* rank (so-called) is the relative position of a military man. Rank in one case means exactly what it does in the other, and is conferred for the same purpose, viz: to secure to its possessor certain rights, honors, privileges, and immunities, which are known to belong to it, whether *authority* exist or not. The subjects alone differ. One is a civilian, whose rank marks his place in society : the other a military man, whose position in the military organization is designated by his rank. In each it determines the extent of his distinctive privileges, which are recognized wherever the rank, which defines and measures them, is known. Military writers make no recognition of a distinctively military rank : since they give to the word no technical nor peculiar meaning, but define it to be "the relative situation or grade which officers hold with respect to each other, or to different departments of Service." As well might a threefold definition be given to the word "profession" in its application to theology, to medicine, and to law, or a twofold definition to the word "officer," in its application to the Army and to the Navy, as to give a definition to the word "rank" that should vary with every application. We should have, in that case, as distinct varieties, not social and military rank alone, but ecclesiastical, judicial, diplomatic, ministerial, legislative, executive rank, and, in fine, as many distinct ranks, each essentially different from all the others, and, consequently, requiring a distinct definition, as there are different relations in which classes and individuals can stand to each other. Such tampering with the meanings of words, and for such a purpose as that of propping up individual fancies and vagaries, would unsettle all

knowledge of language, and frustrate all attempts at lexicography.

The dictum of the Line that "rank bespeaks command," and cannot, therefore, be given to Surgeons, rests on this plausibility, if on any, that command, *where it exists*, observes, in its descent, as a general rule, the order of rank. This it does, not because command flows from rank, but because, in every corps, each separate grade of officers has its distinct sphere of duties, each succeeding sphere in the ascending series rising in importance as the grade rises in rank; so that there is maintained throughout, in each corps, *a correspondence between an officer's rank and the importance of his duties*. There are two other correspondences. The former is that of *merit*. An officer's merit and claim to distinction keep pace with his rank. A Lieutenant's merit is greater than that of a Midshipman; a Commander's than a Lieutenant's; and a Captain's than a Commander's. These officers are justly entitled to advance in rank, with its correspondent privileges and honors, as they advance in merit. The latter correspondence is that between progressive rank and progressive *professional knowledge and competency*. Length of service gives increased competency; and to increased competency is awarded increased rank. Hence, as "command" is reserved for the highest competency, it is reserved only for the highest rank. We have three conditions, then, for which "command" is reserved, viz, *the highest sphere of duties, the highest merit, and the highest professional knowledge*, together constituting one qualification. These three conditions combined, *tria juncta in uno*, which are attained only after long service, centre only in officers who have *relatively* the highest rank; and, consequently, it is on such alone that "command" is *bestowed* by the Department.

This is the almost uniform rule, with the reasons for it, that governs the detail of officers, and the assignment of duty. When Line Officers are ordered to a ship or station, each class of officers and each individual officer has his appropriate sphere of duty. The highest sphere is that of

“command :” and command consequently centres where the conditions of command centre : and as the highest rank has been conferred on the highest conditions, the command, due to the highest conditions, is conferred on the highest rank. Hence it is that, in each corps, command, *when it exists*, devolves, *as a rule*, on the relatively highest in rank. There have been occasional exceptions in special cases ; as where, during the late war, officers have served in a squadron under their inferiors in rank. In these exceptional cases, the highest qualifications were thought to be reached short of the highest rank.

We have thus endeavored to show how Line Officers, mistaking the *post hoc* for the *propter hoc*, may have fallen into the error of supposing that because, for the sufficient reasons above given, command is, as a rule, conferred on the highest in rank, the command flows from the rank. *It is rightly conferred on the officer in whom are centred the highest sphere of duties, the highest relative merit, and the highest professional competency ; and these are all supposed to centre in the highest rank.* It is only in special and exceptional cases, where the contrary is believed to exist, that a departure is ventured on from an otherwise rigidly observed and jealously guarded rule. How regardless of personal merit and desert ; how crushing to all incentive to excel ; how unservant of the public interests, would be a caprice that should place a young officer in command over his seniors and superiors in everything that can give claim to command. The Department has the unquestioned power thus wantonly to violate a rule founded on a just regard for the public interests and the claims of officers. This power it would not possess, unless conferred by Congress, if rank, over which the Department has no control, embodied command. It is the centring, in the same individual, of command and the highest rank *relatively to others in the same corps* that has caused the easy mistake of supposing that the same relationship between rank and command runs down to the foot of the scale. On the contrary, there is but one command, and that is at the top. In any given corps, one individual alone

has sole command of all over whom he is placed in authority. He has agents under him to do his lawful biddings, to execute his rightful orders: but they can originate no orders. All these come from the head, who is alone responsible for them. The responsibility of the agents is for their execution: and, in this, they act under the orders of their superior. This is the rigid rule in civil and in military organizations, without which there could be no order and no discipline. For every individual who has rank with command there are many who have rank without it. The theory of rank and authority, establishing the relations between individuals in every organization, whether civil or military, is, for reasons common to them all, everywhere the same. The Navy is no exception to the theory, though it seems to be so to the understanding of it. Naval officers inherit some of their notions, which come by tradition or transmission, and are held in perpetuity as naval lore. The dicta of seniors they accept with unquestioning faith, as from the high-priests of their profession. Early accustomed to prompt obedience of orders, they grow early accustomed to prompt acceptance of naval dicta, which, once implanted in the mind, are hard to be eradicated. As in the onset of battle, so is it in their educational training:

“Theirs not to reason why;
Theirs but to do and die.”

Hence it is, that, having been told at the outset of their career that rank and command are inseparable, and that the former invariably, and necessarily, confers the latter, the great article of their naval creed, thus early learned, is fixed in their minds for life.

We have thus considered the only plea that suggests itself to us for the Line dictum, that rank carries command. That dictum is a necessity: it is the arm with which they have battled against Staff rank for half a century; they cannot do without it; for, that gone, what have they left? They wisely announced it as a dogma; for, as such, it gained a credence, which, with any reasons that they could have offered, would have been denied it. It passed, unquestioned, as an article

of faith, into the mind of their corps : and there it has taken root. Let us, then, examine it.

Whence comes rank ? This question was raised on the appearance of the "General Orders" of 1846 and 1847. The Line complained of them as unjust to Lieutenants, from their giving to Surgeons and Purser's of twelve years' service the rank of Commanders ; and Congress was invoked to abrogate them on the ground of illegality. A lawyer was employed by both the Line and the Staff to argue this question : each of whom had ingenuity enough to

" Make the worse appear the better reason ; "

one claiming that Congress was the sole source of rank : the other that the Executive also was competent to confer it. While Congress was, as stated, invoked by the Line to annul the "Orders," it was urged by the Staff to legalize them : which legalization took place in 1854.

Though the Line were probably right on the *legal* question, which furnished them a convenient objection to the odious "Orders," yet the legalization did not disarm their opposition, which readily found other pleas.

The general opinion seems now to be (if it were ever otherwise) that *law* alone creates rank, which is above Executive authority, either to give, vary, or take away. The Line, at least, will not now object to our accepting this view, which they had so lately found it convenient to urge against Staff rank.

It being conceded, then, that rank comes rightly from Congress alone, we have now but to show that the Executive is the sole source of command ; that is, the President, through the Navy Department. The Department itself recognizes no other. This recognition pervades the "Regulations for the government of the Navy" of 1865, wherein every conceivable condition of command is provided for. No person is to assume command of a vessel without publicly reading, to the assembled officers and crew, his appointment to the command ; and the succession to command is provided for, even to Second Captains of Mizzen-top. The "Regulations"

define the limits of command, guard it against interference and encroachment, secure it from the unauthorized authority of Seniors, allow no iota of command or authority to rank alone, but, recognizing the Department as their only source, forbid all assumption of command, and all exercise of authority, not proceeding either immediately or mediately from itself. This prohibition is enjoined in every "Regulation" touching authority and command. Even emergencies are provided for by instructions, so as to leave without the excuse of ignorance the officer who should presume *on his rank* to exercise authority or control. For the reasons given, the Department observes, *as a general rule*, the order of rank, in the assignment to command. Did the rank, which Congress gives, determine this assignment, the Department could have no discretion in the matter.

It would thus appear that, whilst *rank* is conferred by the Legislative Department of the Government, *command* is conferred by the Executive : that, whilst the former is *permanent* and ubiquitous, the latter is *temporary* and local. Rank is subject to no control but from Congress : command comes and goes at the will of the Department, and is limited to the *sphere* defined in the appointment to the particular command. No two officers, even of the same grade or class, can have exactly the same rank ; officers of the same corps rank with each other in the order in which their names are set down in the Navy Register. Commands may be equal, and conterminous or collateral, without interference, encroachment, rivalry, or superiority of authority in one over the other. Command is often put off, or dormant ; rank, never. Rank has, at no time, any authority ; command has a specific, definite authority, over a definite number of persons, within a definite sphere, at a definite locality, for a definite purpose, beginning and ending at a definite time : before which and after which it is as completely null as if it had never existed. Command is active, restless : often noisy and disturbing ; sometimes demonstrative, ostentatious, arrogant and encroaching : at others, patronizing, superserviceable, and overzealous ; but generally short-lived ; it operates, for a time,

on others, exacts their, often unwilling, obedience, and then dies. Rank, on the contrary, is quiet, disturbs nobody, merely protects from encroachment and interference, secures the immunities and privileges due to its position, and lives securely in tranquil dignity, respected, and knowing no death, nor even decay. Were the case otherwise: did rank always carry command, the ranking, or senior officer of the Navy would be, at all times, the commanding officer: and each officer, in order from the first, would command all below him. But such is not the fact: nor could it be without endless confusion, and conflict of command, and interference of the higher authorities with all below them, causing an incessant clash of conflicting orders, fatal to all system, and, indeed, to the Navy itself. Who could know, without a Navy Register always in hand, whose order first to obey, whose second, and whose third? No service could make provision for such a complex administration as this: nor do the Laws and "Regulations" prescribe rules for its execution. And where would the Secretary of the Navy be all this time? Would he be complacently seated aloft, looking serenely down on the wild conflict, which he would be powerless to control: with no trident, like that of the fabled Monarch of the Seas, to still the troubled waters?

"Quos ego—sed motos prastat componere fluctus,
Sic ait, et dicto citius tumida aquora placat,"

We think that what we have said shows clearly how *impossible* it is that rank *can* carry command, even without any statement of the *actual* fact. The *impossibility* of the thing ought to be enough, without a knowledge of the *actuality*. But here we have both; for we *actually* know that the fact is that rank does *not* carry command. This is shown by the Navy Register at any time: as, for instance, on the first of January, 1868, of the eleven grades of Line Officers, numbering, including the graduated midshipmen, seven hundred and twenty-eight, with recognized rank, less than one-third of the whole number could claim to exercise any command: and, in all cases, this was *temporary*, and con-

ferred by the Department for the performance of a specific duty. The others, though with rank, had absolutely no command. Such is, at all times, the case, and should silence the dictum of the Line, on which they profess to base their objection to Staff rank, as an innovation fraught with ruin to the service.

A loose way of speaking of rank has sometimes confounded it with *grade*. We speak of the rank of Captains, and of the grade of Captains; but the ideas are different. The grade of Captains means the class of Captains, as distinct from any, or every, other class of officers, and includes the whole number of Captains. The rank of Captains is either the position of the entire grade, or class, of Captains relatively to that of every other grade of officers, of what corps soever; or it is the position of each Captain relatively to that of every other officer, whether of his own grade or corps, or of any other grade or corps. This distinction between grade and rank is clearly expressed in the act of July 16, 1862, creating the present organization of the Line Corps: beginning thus: "That the active list of Line Officers of the United States Navy shall be divided into nine *grades*, taking *rank* according to the date of their commissions in each grade." Here grade and rank are rightly distinguished: the former meaning class or aggregate number, the latter relative place or precedence. This distinction was overlooked in the act of February 7, 1815, authorizing the President to create a Board of Commissioners, to be constituted of three officers of the Navy, whose *rank* shall not be below a Post-Captain. The word "*rank*" is here obviously misused for "*grade*," the purpose of the act being to create a Board of Officers selected from the grade, or class, of Captains, with no intention either of establishing rank, or of recognizing it as already established: though some of the Line have contended for this latter implication, as if all legislators were merring philologists. These same Line writers have been at a loss to trace rank to direct legislation, and have hence sought it in implication, as a legal right, or in long usage, having the force of law, as a prescriptive right.

When it is recollected that, till lately, every Captain made the "usage" in the ship which he commanded, and that immemorial usage can exist only among a benighted people, with whom is no progress, we see that there can be no established usage in our Navy on any subject, unless it shall consent to stand still whilst all other navies move on. Usage is a blind guide, or, worse, an *ignis fatuus*; for what has been more erratic than Naval usage? But Congress has not left rank to usage, or custom, as some of the Line writers contend, but has established it on the sure foundation of law. A statute organizing, or reorganizing, the Navy, or any corps of it, establishes the rank, or precedence, of the several grades composing the corps, by the order in which it arranges them from above downwards. The law thus determines the order of precedence, or rank, of the respective grades relatively to each other. It does more. It directs that the officers shall "take rank according to the date of their commissions in each grade." We have here legally established rank, not only for each grade, but for each officer in the grade; the commission which Congress gives to the officer designating his grade, his number in it, and the date of his commission. All this is made clear by the act of July 16, 1862, quoted above. As to relative rank between the officers of the several corps of the Navy, and between those of the Army and the Navy, that also is a matter of direct legislation.

We have said that, in reorganizing the Line Corps in 1862, Congress established nine grades, viz: from Rear-Admiral to Midshipman. Two higher grades were, soon afterwards, created, whether to last, or to lapse with the present incumbents, remains to be seen. Congress may have meant them as personal honors, to reward eminent individual merit, and may choose to hold them in reserve as high incentives, rather than cheapen them by transmitting them to others, who thus

"might in opinion stand
Their rivals, winning cheap the high repute,
Which they through hazard huge had earned."

As at present constituted, however, the Line Corps is composed of the eleven following grades, viz: Admirals, Vice-Admirals, Rear-Admirals, Commodores, Captains, Commanders, Lieutenant Commanders, Lieutenants, Masters, Ensigns, Midshipmen, on both the active and retired lists. The commissions, given by Congress, through the President, to these officers, state their grade and date, and thus determine their exact rank, which is thereby unmistakably fixed to each officer by law. He has but to consult his commission, or, more easily, the Navy Register, (which, in ranking the officers, is compiled from the commissions,) in order to know his exact place. The latter official document gives him, moreover, the exact place of every one of his fellows of the Line; tells him and them where each one stands, and maps out before them at a glance the whole order of rank established by the law. The question, for example, being to determine the rank of A. P., his commission tells him that he was appointed a Commander in the Navy from the 31st August, 1867; and the same information is repeated in the Navy Register of January 1, 1868, with the additional information that he then stood at the foot of the list of Commanders, all the officers above him taking rank and precedence of him, and he of all below.

Is it not, then, passing strange that, with such direct and precise legislation to establish rank, no Line writer has, to the extent of our knowledge, given a more satisfactory account of the matter than the following?

“It would be vain to attempt to trace rank to any well-defined law. Our general system is borrowed from British rule; and we have embodied the British ideas of rank, so far as they were applicable. The order of rank existing with us before the period of *executive interruptions* (meaning the ‘General Orders’ of 1846 and 1847) is derived from naval custom or usage from time immemorial; it enters into every rule of discipline, and is acted upon in the daily and familiar routine of duty in every ship afloat. It is anterior to any laws that have been passed on the subject; but so far as a principle so manifest and so familiar to naval life could be strengthened, it is

confirmed and fortified by a variety of legal enactments. In the laws distributing prize money, the leading idea was to proportion the shares to the grade; and, accordingly, we find that to the surgeons and pursers falls a smaller share than to lieutenants, and that, in the order of enumeration, they occupy an inferior place."

The above extract from the Pamphlet already quoted, written some twenty years ago by the Line's chief disputant, is their only exposition, that we know of, of "the origin of rank." So, "we have embodied the British ideas of rank," which are those of a titled aristocracy. Has the writer yet to learn that the Revolutionary war killed those ideas, as completely as did the late war kill those of secession? The Declaration of Independence recognizes no aristocracy, neither in the Navy nor out of it, and no "British ideas of rank" on any subject. The sum, then, is this: that rank is not traceable to any "well-defined law;" that "the order of rank is derived from naval custom or usage from time immemorial," "enters into every rule of discipline," "is anterior to any laws on the subject," but "is confirmed by various legal enactments," for example, "the laws distributing prize-money, in which the leading idea was to proportion the shares to the grade," the inference being that Lieutenants must rank Surgeons and Pursers because named before them in this act, and awarded more prize-money. This act of April 23, 1800, distributing prize-money, names the several grades of officers in four articles, according to the share allotted to each. In each article, except the first, both commissioned and warrant officers are named. For instance, Sailing-masters, who are warrant officers, are in the second article: whilst the third contains Chaplains, Lieutenants of Marines, Surgeons, and Pursers, who are commissioned. The third article contains, also, four classes of Warrant Officers, whilst, in the fourth, are placed Assistant Surgeons, who have commissions. Yet our writer infers the order of rank from the classification of officers in the prize-money act. The Navy Commissioners, under date of January 23, 1817, expressed, on the contrary, to the Secretary of the Navy, the

opinion that "this classification is merely to specify the sum to which Surgeons are entitled in the distribution of prize-money, and neither involves any general idea of equality, nor imposes any necessity of associating with inferiors."

The Line writer continues thus: "Again, in acts passed in 1794 and 1797, providing for an increased naval armament; in the pay bill of 1835; and in the Navy Register, printed annually since 1815, the same order of enumeration, so far as respects the two branches of the service, has been always scrupulously observed."

Here, again, the writer errs: for the "order of enumeration" varies in the above documents, and leads to no inference in regard to rank. In the Navy Register, each corps in all its grades stands entire, the Line Corps first: so that Midshipmen stand above all Staff Officers, for convenience of classification. For like convenience, perhaps, our author makes one classification to answer for all purposes, viz: for "rank," for "prize-money," in the "bills providing for an increased naval armament," in the "pay bill," and in the "Navy Register." This saves trouble, and aids the memory, but is bad for the facts, whose inexorable logic is made to give way to the more inexorable necessity of subordinating Surgeons and Purser's to all Line Officers. Such are the ravings of desperation in its determination to marshal everything into its service, in its mad crusade against Staff rank. What a delusion, thus to see everything arrayed against Staff Officers, "bristling its angry crest," as if they were the fabled "one-eyed monsters of the deep."

"But this eternal blazon must not be
To ears of flesh and blood."

Several of the Line writers have gravely inquired if it is "necessary for the due effect of medical remedies that the prescribing power should enjoy what is called 'rank.' Is it requisite for the proper amputation of an arm? Will honor set a leg?" These are sensible, practical questions, and should be answered. They seem to be favorites, and to be thought posers, admitting but one answer. It had been



kind, had these anxious inquirers asked and answered the kindred and equally sensible and practical questions. Can rank reef topsails? Will honor tack ship? Perhaps it did not occur to them that one answer would suit both sets of questions. In the absence of any aid from the Line in the answer, we will state, from individual experience, what is doubtless the general experience, that we have seen young officers abroad awaiting, with hope deferred, the news of their promotion to higher honors and emoluments, balancing between hope and fear as to whether they were soon to be made happy by the arrival of their new commissions, when, on some pleasant spring morning, with all nature smiling around them, a vessel, with the Stars and Stripes, arrives from the United States. She brings the anxiously expected commissions. Bright eyes and beaming faces bespeak the joy of their receivers. Congratulations are offered: the recipients of new rank are welcomed to their new position, and, with a delighted sense that the Government has thus recognized their just claims, manifest their joy, oftentimes even to "the wetting" of their new commissions. They enter cheerily on their new duties, with an elastic, bounding step, and when, as "monarchs of the peopled deck," they trumpet forth their orders, they are animated by a sense of the justice of their country in having conferred on them the rank, with its accompanying honors and privileges, which they feel to be their due. The "moral power" of rank — "this sheep-skin virtue," as it has been termed by one of the Line — which their writers dwell on as so *effective* in all grades of the Line, is ignored by them in the Staff as if the former alone had any consciousness, and any sense of the distinction between honors and neglect. They thus *impute* to the Staff a stoicism which makes them indifferent to outward circumstances. They tell us, what we daily witness, that there is a "moral power" in rank and its attendant honors, and a sense of recognized and requited merit, which a Line Officer carries into all his duties, and which, therefore, enable him, with better heart, to reef topsails, and to tack ship: whilst, with charming simplicity, they represent these objects of their highest ambition as beneath

the regard of "professional gentlemen," and naïvely inquire if "rank will amputate an arm," or "honor set a leg." Such is the mental constitution of man that among the ennobling incentives to excellence is the good opinion of his fellow-men. A right-minded man will do much that is praiseworthy to secure praise: and he is not only gratified, but encouraged, by a recognition of his worth—a recognition which all nations manifest, not by pecuniary rewards alone, but also by public honors. The monuments of every nation to the memory of departed worth attest this: as do also the rank and honors conferred on living benefactors. They are the rewards of well-doing, and the incentives to do well. Strip a nation of these, and you strip it of an element of power and of virtue. The conferring of honors and distinctions is an ever-operating principle, essential to every organization in society, whether political, ecclesiastical, scientific, or literary. Even in this equalizing, leveling nation, in which are no transmitted titles, there is a nobility of personal merit as marked as in any other, seen in the school, the college, and, indeed, in every association in life. Few men are regardless of academic titles and honors: few of rank and distinctions in Church and State. They may be all vanity and vexation, the "rattles of childhood," or the "toys of age:" but they spring from an instinct of our being, implanted for a good end. We never can outlive it, nor rise above it, if we would. Honor, the poet tells us, is "an empty bubble:" but it is a bubble that we chase through life, and that leads us on to noble darings, and even to seek it at "the cannon's mouth." The desire for it is—

"The last infirmity of noble minds."

When we look around at the great names that crowd history, that have consented to accept rank and titles: when we see such an illustrious name, "*clarum et venerabile nomen gentibus*," as that of Samuel Johnson, who deigned to be called "Doctor Johnson," and, in Surgery, such men as Henry Hallford, Astley Cooper, Benjamin Brodie, and others, who consented to be knighted; and, when we see legions of in-

ferior names that have striven for rank and title, we may well admit that there is something of value in them, and demur at the opinion that "honor hath no skill in Surgery." It may be, in the opinion of the Line Officers of the Navy, a weakness in the Surgeons to confess that, in common with their brethren of the Line, they hold themselves to be not above the "moral power" of rank, and that they think that they can perform all their duties, even to the prescribing for the sick, the amputation of an arm, or the setting of a leg, under a *sense of a just recognition of their services* by the Government in conferring on them a proper rank and position, much more efficiently for the service, and more satisfactorily to themselves, than if they are passed over with indifference and neglect. This answer, we are aware, is not what the Line expected when they so confidently inquired if rank can amputate an arm, or honor set a leg. We are constrained to reply, for the Surgeons, that we think, for the reasons and in the manner that we have stated, it can essentially contribute to both. They decline accepting the position of absolute isolation, which the Line would assign them, outside of the moral influences that operate on all the rest of the world.

We have spoken of the Line as denying to the Staff *all* rank. With the active part of the Corps, (with exceptions, we trust,) that is their stand to this day. They are as uncompromising, cast-iron impracticables, as at first. All the repeated endeavors of the Surgeons for amicable adjustment have utterly failed. In every plan that they have proposed for reorganizing their Corps, they have sought the consent and co-operation of the Line, with entire frankness, and with every desire for harmony and concert. But no: the Line ever oppose them with all their ingenuity and all their bitterness, and cast them aside as a thing with which they would have nothing to do. With them it has been, and still is, "war to the knife." They fight the Surgeons as if with a deadly hate. Reproach, arrogance, and assumption pervade their writings against Staff rank. Even in their more temperate pamphlets they depreciate the Medical Officers,

whom they speak of as "necessary encumbrances," with an urgent recommendation by some of them—one now a Rear-Admiral—that the Corps be disbanded, and that each Captain ship "*his* doctor" for the cruise. Of their newspaper writers we have given a sample at the beginning. The higher Line rank has risen, and the more crowded the high grades, the more intolerant are they of Staff rank, which they speak of with sneers, derision, and contempt. They look down on Staff Officers as outside of the "Navy proper," and as aside from the purposes of its creation, constantly impressing on them that they are "*mere civilians*," "necessary evils," "adjuncts and appendages," "always their subordinates," "ever dependent on their courtesy and favor:" whilst they speak of themselves as the Navy itself; the end, and not the means, nor agents. All rank conferred on the Staff they regard as an encroachment on their rights, which, when shared with others, are, so much, diminished to themselves. It is a violation of their exclusive property; a trespass on their *peculium*: an invasion of the monopoly conferred as a reward for their services, and for the benefit of their country. This *monopoly* they hold as a sacred trust, committed to their exclusive keeping, not alone on account of their exclusive deserts, but, largely also, for great public ends, the mysteries of which they alone can comprehend. When inquired of, wherefore their exclusive rank, they give forth as lucid utterances as the Delphic oracle; they answer, like patriots, "our country's good demands it." In Staff rank, on the contrary, they see the embodiment of selfishness, the prompting of "vanity," of "ambition," and of "personal aggrandizement," horrid monsters let loose upon the Service—

"Gorgons, and hydras, and chimeras dire."

When the Surgeons approach the Department, or Congress, asking a recognition of their war services, and protection of old Surgeons from the arrogance and assumption of Line Officers, young enough, many of them, to be their sons, they are met by an array of Rear-Admirals, Commodores, Captains, and Commanders, to battle against them.

in solid phalanx, with every pretext, and every device, which their combined ingenuity can suggest. Flushed with high rank, and emboldened by numbers, these "Navy proper" heroes fight the "civilians" with a rancor and animosity that amaze the Surgeons, whom, by this hostility, they are driving out of the Service. They seem not to heed the fact that, at this moment, there are *fifty-five* vacancies, in a corps of two hundred, which cannot be filled without reducing the qualifications much below the established standard. Boards of examination are constantly in session in the principal cities; but such is the position of the Medical Corps in the Navy that it offers no attractions to high talent and culture, and Medical Colleges do not recommend it to their graduates. But the Line appear regardless of the injury thus resulting to the Service, and to themselves, who have it in their power to win talent and culture to the Medical Corps, instead of striving to repel them. But "vaulting ambition" oft "o'erleaps itself." The evil that we have mentioned is one which the Line appear not to feel. But it requires no seer to foresee that an evil impends over the Navy, which the warning voice of prophecy announces in the solemn words, "a house divided against itself cannot stand." The blow that the Line are striking at the Staff may strike more than it was aimed at. It may strike the *heart* of the Navy itself. Already has it filled the Service with bitterness to the brim. Where peace and good will might have prevailed, the two portions of the Service are in angry strife, under a sense of wrong inflicted by one part on the other. It matters not that the Line can drive the "malcontents" from the Navy. That is not a remedy, though often proposed as such by the Line. Succeeding malcontents will require to be driven out in continued succession, under successive persecutions. This will not be peace, but a sword:

"For never can true reconciliation grow
Where wounds of deadly hate have pierced so deep."

The Line proclaim the war to be internecine, and to aim at extermination, unless under absolute submission. For a

series of years, to the present time, have the vacancies in the Corps, and the impossibility of filling them, been officially set forth in the annual Reports of the Medical Bureau. So long ago as the 23d October, 1863, the Chief of the Bureau presented a carefully prepared statement of the rank, honors, and emoluments conferred by European governments on Naval Medical Officers, the rank rising, in most of them, to that of Rear-Admiral, with corresponding pay and honors, and these conferred as ‘‘attractions and incentives.’’ These were contrasted with the want of them in our own service, the recent promotions in the Line having virtually degraded the Medical Corps. The Bureau then invoked the Government so to ‘‘reorganize the Medical Department as to overcome the indisposition so generally manifested by young medical men to enter the Naval Service,’’ the Bureau being ‘‘unable, after all sorts of publicity, to procure them in sufficient numbers,’’ and ‘‘many vessels in commission being without Medical Officers.’’ This earnest appeal, seconded by the Department, was unheeded by Congress. The next year the Bureau repeated the appeal. Still no answer from Congress, which, now that the war was over, and several medical officers killed, did not care for the Corps, and, as they had had their services through the war, had no motive, *beyond common honesty*, to reward them. Congress had given to the Line rank and honors enough for the whole Navy: and the Staff should be satisfied therewith. Reflected lustre should be enough: and they should be content to stay below, and admire the Line going up in their ascension robes. Every succeeding year the appeal has gone forth from the Bureau with increased earnestness, but without effect. The able Report of the present Chief of the Bureau, of the 25th October, 1867, states:

‘‘At this time there are forty-eight vacancies in the medical corps of the navy, which it is impossible to fill properly.

‘‘These vacancies have existed ever since the close of the war, and, so far as can reasonably be anticipated, will not only continue to exist, but will be increased to such a degree as to endanger the integrity of this branch of the public service, unless steps be taken to prevent such a result.

“The reasons for this condition are manifest, and perfectly natural. Young gentlemen, fitted by their ability and information to enter the medical corps, are unwilling to join a body offering in return no adequate remuneration in pay, rank, or promotion. Talent, skill, and professional knowledge will seek their reward through the most speedy and desirable channels. So long as civil practice is more remunerative, and holds out greater inducements and quicker promotion, the medical man cannot be expected to subject himself to the discipline and hardships of the service. It is clear that, unless some compensation is to be found in the emoluments and rank of the position, the medical man will not give up the comforts of a home and the freedom of civil duties to undergo the confinement and annoyances of sea-life.”

Yet, in the face of these solemn and earnest appeals, made, year after year, by high official authority, invoking Congress, by a regard for the interests of the country, to maintain by appropriate legislation, after the example of other nations, the character and efficiency of the Medical Corps at the highest standard, these appeals sustained by the facts presented, facts of yearly recurrence and familiar to every Medical Officer of the Navy, and, especially, to the members of the Examining Boards, we find Line Officers, in their persistent determination to degrade the Medical Corps, entering the Capitol, and there uttering (as they did but the other day, January 6, 1869, through their representative, in their successful endeavors to defeat “A Bill to reorganize and increase the efficiency of the Medical Department”) the following declaration :

“Now, sir, *it is stated* that, unless this measure be adopted, there will be a difficulty in obtaining Medical Officers, owing to the want of higher rank in the Medical Corps. This, I am assured, is a mistake. *I understand* that, if all the Surgeons, Paymasters, and Engineers should leave the naval service to-morrow, their places could be filled in forty-eight hours with the best ability in the country. The pay and rank are now such that, *as I am told*, competent and skilful surgeons would be glad to take the places of these men, and would be glad to have the opportunity to accept and discharge the duties of those positions.”

The facts that we have just now cited from Official Reports prove directly the reverse. The small number of medical candidates for admission to fill the large number of vacancies from resignation proves the reverse. The number of rejected candidates proves the reverse. The following statement of a member of the Medical Examining Board, made with the above declaration from the Line before him, proves the reverse. He writes to us, (January 13, 1869,) that

“ Medical service in the Navy is so unattractive or unpopular, that the Department, with all the efforts it has been, and is still, making, cannot obtain physicians of suitable qualifications to take charge of the sick and hurt of the Navy afloat; and so few are the properly qualified candidates, that, during the past year, the vacancies made considerably exceeded the number of persons, suitably qualified, willing to accept appointments. This unsatisfactory condition of the medical naval service is not new, but has been growing for years, and has its origin, in part at least, in the fact that thoroughly well-educated physicians find civil practice a very much more profitable career in our country, and therefore only those who have not sufficient capital to establish themselves in their profession accept positions in the military service, and a large proportion of those, who do accept service in the Navy or Army, serve no longer than until they find a practice in civil life. The petty annoyances, discomforts, and arrogance which medical men in the Navy are constantly called upon to tolerate while afloat, attributable to want of rank, or definite relative position of such a character as to secure them official and professional respect, have, no doubt, contributed to the unpopularity of the naval service in medical circles.

“ The exponent of the Line in Congress ought to have faith in the statements of the Navy Department, and to respect the opinion of experts as to the professional or technical qualifications of men fitted for the public service.”

The above statements are official, and need no confirmation. But the reader may be curious to see the figures. We will give them for three years only. *Ab his disce omnes.*

1866. Candidates.....	30
Passed.....	5
Withdrew, or rejected..	25

1867. Candidates	23
Passed.....	6
Withdrew, or rejected.....	17
1868. Candidates.....	59
Passed.....	16
Withdrew, (22,) or rejected, (21).....	43
Aggregate of three years —	
Candidates	112
Passed	27
Withdrew, or rejected.....	85

Of the 112 physicians who have presented themselves to the Examining Board, in the last three years, for admission into the Navy, 27 possessed at least the *minimum* degree of qualification. To meet complaints, that may have been made by Medical Colleges, of the rejection, by Naval Medical Examining Boards, of so many of their graduates, the requirements for admission into the Medical Corps of the Navy were submitted to the general Medical Convention, held in Washington in May, 1868, and there approved as not excessive. Be this as it may, we freely admit that the ordeals are different, and that *higher* qualifications are required to enter the Medical Corps of the Navy than to graduate at any Medical College in the United States, as the above figures conclusively show. Nor should the Line complain that the Medical Examining Boards are endeavoring, by strict examinations, to provide for them, when sick or injured on mid-ocean, a competent Medical Officer, who must there rely on his unaided skill and knowledge to save their lives. Yet, they tell us, in their pamphlets, in the face of the above facts, and of the declarations of the Medical Bureau, which is striving in vain to fill properly the fifty-five vacancies in the Corps, that, if the service does not suit the Surgeons, they have but to leave it, and make way for civilians, who would be glad to get their places; for they had urged, long ago, that “the Corps should be disbanded, and each Captain ship his doctor for the cruise.” And, to this day, they declare, through their exponent in Congress, in language already quoted, “*I understand* that, if all the Surgeons should leave the naval service to-morrow, their places could

be filled in forty-eight hours with the best ability in the country." "*I understand*," from *whom*, it is not stated. "The pay and rank are now such," continues the speaker, "that, *as I am told*, competent and skilful Surgeons would be glad to take the places of these men, and would be glad to have the opportunity to accept and discharge the duties of those positions." "*As I am told*," by *whom* it is not stated. Surely, *not* by the Examining Boards, whose statements we have given. Remove those sentinels that guard the entrance into the Medical Corps of the Navy, and needy adventurers, of every region and tongue, ever ready to fasten upon office, would flock to it, from whom "the Captain could ship *his* doctor for the cruise," indulging his taste and fancy *ad libitum*. The Surgeons ask for a rightful position in the Navy; and they are told to give their places to those who would be glad to get them. These suggestions to resign are a standing joke of the Line, and add insult to injury. But they are not original. John Randolph, who loved the Line as these do the Staff, long ago replied to the petitions of the former for increased pay, that *he could, at any time, supply the Navy, from his district, with squads who would do the work for half price, and that, if the Service did not suit these gentlemen, they were free to leave it*. These are kindred jeers, and alike unworthy the occasions. And yet it is with insults such as these, and equally unfounded on fact, that the Line are content to wage an internecine war against the Staff, even to extermination, if need be, to secure a *monopoly* of the honors and privileges of the Service.

The Annual Reports of the Surgeon General exhibit a similar difficulty in recruiting the Medical Corps of the Army, as shown by the following statistics for the last three years :

1866. Candidates	98
Passed	19
Rejected	31
Withdrew before conclusion of examination	17
Failed to appear	31

1867. Candidates	272
Passed	48
Rejected	91
Withdrew before conclusion of examination	21
Failed to appear	112
1868. Candidates	94
Passed	15
Rejected	40
Withdrew before conclusion of examination.....	8
Declined to appear	18
Failed to appear.....	13
Aggregate of three years—	
Candidates.....	464
Passed	82
Withdrew, or rejected.....	382

Of the 464 physicians who have presented themselves to the Examining Board, in the last three years, for admission into the Army, 82 were found qualified. Those who withdrew after partial examination, or who declined, or failed, to appear, may be presumed to have done so from a sense of insufficient qualification, and, in that respect, may be classed in the same category as the “not qualified” or “rejected.” It thus appears that, of all the applicants for admission into the Medical Corps of the Army and Navy in the years 1866, 1867, and 1868, numbering, in the aggregate, 576 physicians, 109 were found qualified, in various degrees, for admission, being less than *one-fifth* of the whole number. The applicants for the Army were more than four times as numerous as those for the Navy, the former being the more desirable service from the better pay and position of the Medical Corps in it than in the latter. The proportion of admissions was somewhat greater in the Navy than in the Army, which (the qualifications of the two sets of candidates being equal) may imply that the stringency of the examinations was moderated in view of the large number of vacancies, still exceeding the *fourth* of the whole Corps. The reader, with these *facts* before him, will be able to “*understand*” whether, “if all the Surgeons should leave the naval service to-morrow, their

places could be filled in forty-eight hours with the best ability in the country."

The Line opponents of the bill, those who undertook to defeat it, if possible, in the House, set the Cerberus of the Treasury on it, to bark it down on any pretext—the dollar pretext especially. They crammed him freely with a variety of wrong information, which he recited as he had received it, without, apparently, pausing to reflect how little of it was credible, and whether any of it was a fact. His speech was little else than irresponsible gossip, declaimed with a degree of dogmatical assurance proportioned to the inaccuracy of his statements, all of which were on *ad captandum* side issues, apart from the merits of the question. These merits were the only subject that seemed never to have entered into his mind. He seemed to feel at liberty to say anything that, he thought, would appear smart and amusing, provided he could only preface it by "*it is stated*," "*I understand*," "*I am told*," "*this matter (the cost) has been examined by an expert*," the name of which "*expert*" he took good care, when asked in the debate to name him, to keep to himself. When gossiping women and idle men wish to propagate a story that they do not believe, they preface it by, "*they say*." How many stabs in the dark are daily made under the easy fitting cloak, "*they say*." Satan walks the earth, scattering his "glozing lies," under the dark mantle, "*they say*." Whose reputation is safe when "*they say*" attacks it? It was "*they say*" that killed the bill. In the language of Doctor Johnson: "While he walks, like Jack the Giant Killer, in a coat of darkness, he may do much mischief with little strength. When he has once provided for his safety by impenetrable secrecy, he has nothing to combat but truth and justice; enemies whom he knows to be feeble in the dark. Being then at liberty to indulge himself in all the immunities of invisibility, out of the reach of danger, he is bold; out of the reach of shame, he is confident."

We have said that the Line, as a Corps, (with exceptions, perhaps,) would refuse *all* rank to the Staff, regardless of

the law of Nature, that ordained an order, a sequence, a gradation, a rank, in the whole system of created being—

“ Where all must full or not coherent be,
And all that rises, rise in due degree ;
Then, in the scale of reasoning life, ’tis plain.
There must be, somewhere, such a rank as man :
And all the question (wrangle e’er so long)
Is only this, if God has plac’d him wrong ?”

And, in *that* sequence, *that* gradation, the Creator has ordained a place for every one of his creatures, *the Surgeon included*. But the *Line* have ordained otherwise, and, in opposition to the Divine decree, have declared that the Surgeon shall have no place in *their* naval world ; and they would thrust him out as an *evil*, but that he is a *necessary evil*.

Such has been, and is, *their* will. But it has been thwarted : rank was given by the Department, in spite of them, in 1846, and, in spite of them, legalized in 1854. And, though they would take it away to-day, yet, as it is *un fait accompli*, they *now* make a show of moderation and of compromise by complaining only of the *degree* of it.

Till 1862 the highest Line rank was that of CAPTAIN. Staff rank came within one of it ; for Surgeons, of twelve years’ commission as such, had, by law, from 1854, the *relative* rank of COMMANDER, or, in the language of the law, already given, “ Surgeons of the fleet, and Surgeons of more than twelve years, will *rank with* Commanders.” This the Line thought too high, as interfering with discipline, and as unjust to Lieutenants, who had to be many years *longer in the service* before they could reach that rank, calculating on the “ *length of service*” principle. This principle the Surgeons objected to, claiming *seven* years for preparatory studies, as allowed in some of the foreign navies ; Line Officers averaging *sixteen* years of age when they enter the Naval Academy, to be educated at the *public expense*, rendering no equivalent for the first four years, and Medical Officers, at the average age of *twenty-three*, after a collegiate and professional education *at their own expense*, entering the Navy.

prepared to earn their first day's pay. So unjust to the Staff, *especially the Surgeons*, was the "length of service" principle, or want of principle, that, in 1864, a "Board on Regulations," composed of Line Officers, (Captains and Commanders,) prepared a table of assimilated rank, allowing *for the first time*, to Medical Officers relatively to the Line, *six years* (as we were assured by the "Board," though not stated in their Report) for preparatory studies *before entering the Navy*, which was equivalent to antedating their commissions six years instead of seven, as claimed by the Medical Corps. On the principle that officers would enter the service at the earliest practicable age, the "Board" "proposed" (in the language of one of the members in a letter to us) "to bring, as a *general* thing, officers of about the same age together in rank," the highest assimilated Staff rank to be with that of Commodore. The plan might be formulated thus: equal ages, equal rank: that is, as a *general* rule, rank every officer in the Navy, (*the scale of assimilation reaching from Commodore to Master.*) in the order of *average*, or *estimated*, age, calculated from a *common starting point*; which *starting point* is thus *estimated*, in the same letter:

"In the arrangement of assimilated rank, it was supposed that a Master, 1st Assistant Engineer, Assistant Surgeon, Assistant Paymaster, &c., &c., had *finished their preliminary studies* and become *prepared for work*; and those of the same date were advanced together in that order to the rank of Commodore, provided they were not put back by sentence of a Court-Martial, or failure to pass the required examinations: that is, when the Master was promoted to a Lieutenant, the others had the same assimilated rank, and so on."

Such was, according to one of the members, the principle on which the "Board" "proposed to arrange" assimilated rank, and to settle the long vexed question.

In the Report of the "Board" to the Department, dated April 9, 1864, as published in the *Army and Navy Journal*, December 31, 1864, from which we quote, they state the same principle, as follows:

"For the *commencement of the assimilation of rank*, the Board

adopted the *period* when each class, Line and Staff, should become *qualified for usefulness to the Service*. The Midshipman, having finished his probationary course, goes on board ship as an Ensign, there to learn the practice of what he has been taught theoretically; after a period he undergoes an examination for promotion to the grade of *Master*. In this new sphere he becomes, *for the first time*, practically *useful* and *reliable* as a Watch Officer.

"The young Engineer, having advanced through two grades, and having passed as a First Assistant, becomes *competent* to take charge of an engine, and eligible to appointment as Senior Engineer of vessels of the smaller classes.

"So with the Assistant Surgeon and Assistant Paymaster. Each has studied and *qualified* himself for the position; and each is ready, or should be, to assume *independent* duties, if they should be assigned to him.

"Thus we have four young men *starting* upon their career *at the same time*, with *equal rank* assigned to each. *It is not apparent that any particular favor should be shown to either in his advancement*. On the contrary, if they *run side by side until they reach the highest grade provided for regular promotions*, it is conceived that a *greater degree of harmony will be obtained* than has existed since the first order for the assimilation of rank was issued."

It thus appears that the "Board" lashed together the Master, 1st Assistant Engineer, Assistant Surgeon, and Assistant Paymaster, to run up together to the rank of Commodore, the goal of the last three: the starting point of all four, or "the commencement of the assimilation of rank," being "the period of qualification for usefulness to the Service."

More explicit, if possible, than the preceding declaration of the "Board," is the following, copied from the above-mentioned letter of one of its members:

"I think the average age of Midshipmen entering the Service, as stated by you, ($15\frac{1}{2}$ years,) is too low. Some *few* enter between the ages of 14 and 16; but the great majority do so between 16 and 18; a few older; adding 6 years brings them up to from 21 to 25, which corresponds very closely with the ages, as shown by the records in the Department, of Assistant Surgeons when they enter Service."

After some inquiry we have reason to think that it would be no injustice to the Line to assume, as the *average ages* of admission into the Navy, 16 years for the Midshipman, and 23 for the Assistant Surgeon ; the " Board " having allowed to the latter, in assimilating rank, 6 years for preparatory studies, and the Medical Corps claiming 7.

The plan of the " Board," reaching, as it did, to the rank of Commodore, would have been a promotion, as the highest Staff rank at the time was with that of Captain, given by the Department the preceding year, (March 13, 1863,) to Surgeons, (as also to Paymasters and Engineers,) "after fifteen years' date of commission." All the officers, of *all* the corps, from the rank of Commodore to that of Master, were to be ranged in a series, or line, irrespective of Corps, on the principle above mentioned, and each individual was to have his place in that line, or series, as if the entire series constituted but one corps. The rank given was to the individual, not to the Corps : it was personal, not collective ; and graduated to each officer's separate claim. All the officers of the Line Corps stand on the Navy Register in the order of rank. The " Board on Regulations " ranged *all the officers of the Navy* (from the rank of Commodore to that of Master) on the same plan—the *only just* one ; for any, and every, plan of assimilated rank among all the corps must come in practice to the same result, where age is to determine the rank, not only as between individuals of different corps, but as to the grade of rank to which each individual should belong. To illustrate the plan by an assimilation of two corps, we will suppose *twins* to enter the Navy : A, at the age of sixteen, as a Line Officer, B, at that of twenty-three, as a Medical Officer. It is right that these two officers (if of equal merit) should advance *pari passu in rank* (as they do in age) to the maximum, or limit, assigned for the Staff Officer, which the " Board " fixed at that of *Commodore*. This equitable plan would have much advanced the Surgeons relatively to the Line. . Ten of those *then* on the active list, and, consequently, all their seniors on the retired list, were, by the " Board," ranked with

Commodores : some of them above even the senior of eleven Line Officers *since* made Rear-Admirals on the Active List.

It would have much more advanced the Surgeons relatively to the *then existing* Paymasters, who, so far as preparatory studies were concerned, might have entered the service at an earlier age than Assistant Surgeons, who, after dragging through a novitiate of eight, or ten, or twelve, or even fifteen years, found, on becoming Surgeons, the Paymaster, who had entered the Navy the day before, their senior in rank. The Line Officers have ever complained bitterly of the injustice thus done to themselves, but have borne, with becoming resignation, the injustice to the Surgeons. The grade of Assistant Paymaster was established by act of Congress, July 17, 1861, with the proviso that "assistant paymasters shall have rank and precedence with assistant surgeons not passed, and that all appointments to fill vacancies in the Corps of Paymasters shall be made by regular promotion from the list of assistant paymasters." At that time there were seventy-three Paymasters, who had entered the Navy *as such, and who ranked with Surgeons from the start*, and, consequently, with the Line Officers with whom the Surgeons were assimilated in rank. This has been, to the Line, and still is, in great degree, the offence of Staff rank— an offence much of their own creating : for they have compelled the evil of which they complain. The Line, in arguing against Staff rank, have been careful to club the two corps, and to aim one shot at both. In a pamphlet, already quoted, by the chief writer of the Line, published about 1850, it is stated that "a lieutenant remains as such on an average not less than twenty-one years, while surgeons and pursers attain the rank of Commander in twelve : thus, every revolving year lowers the former in the scale of rank, by increasing the number of those above him." The cases are different, as we have shown : the "purser" *may* do great injustice to the "lieutenant;" the "surgeon" *none*.

In like manner, a Board of Line Officers, in a Report to the Secretary of the Navy, dated February 19, 1858, relating to the assimilated rank of "Surgeons and Pursers," contend

against the rank of *both*, but draw their illustrations of its evils from that of *one* only, reasoning on this wise :

“ Now-a-days, they (Line Officers) have to undergo no less than nine separate formal examinations in order to graduate at the Naval Academy, besides one more afterwards to become Passed Midshipmen. These examinations are spread throughout the first seven years of a young officer’s career, during which period he is, in effect, kept under a rigid course of professional preparation, and then, for seven or ten years more of his naval life, (making in all fourteen or seventeen,) he has to remain in the subordinate post of a Passed Midshipman before he can obtain the position of a Lieutenant, a commissioned officer. Here is the ordeal through which he must necessarily pass, and a most severe and trying one it certainly is. In twenty years from the date of his Lieutenant’s commission, he may be promoted to a Commander, by which time some thirty-four or thirty-seven years must have elapsed since he first dedicated his life to the naval service. Had his twin brother entered the same service as a Purser, even some three or four years later than himself, he would still, by this identical period of time, have been borne on the Navy Register as a Purser, ranking with Commander, for at least, if not upwards of, twenty years ; and the average pay of this twin brother, throughout the period mentioned, would have been just about double that of his own ! And all this rank, and all this pay, too, without any special preparation for the office, and without undergoing any examination whatever, either on first entering the service, or subsequently. The duties of the office, in truth, are too easily learned to require any such preparation or examination ; and, for this very reason, the idea of giving to a Purser in twelve years the rank and precedence which it will take an officer in the regular line of command thirty-six years, or three times as long, to acquire, is an anomaly in military polity, and one fraught with the most *mischievous, depressing, and disheartening consequences to the young officer, and, of course, to the Service generally.*”

We have given in full this official statement of a Board of Line Officers, made on the 19th February, 1858, as the most explicit we have seen on the subject, and as being the view taken by Line Officers generally, and often expressed by them to ourselves. We offer a few remarks concerning it.

It is given as an illustration of their complaint of the injustice done them by the "General Order" (then legalized) conferring the relative rank of Commander on Surgeons and Paymasters of twelve years' date of commission. First, we remark that the illustration is of one only of two classes of officers differently circumstanced, and that it cannot logically be inferred that Surgeons may not justly rank with Commanders at twelve years because Paymasters may not. What are the facts in the identical case stated, as set down in the Navy Register of January 1, 1858, fifty days before the date of the above statement, and in the "Age" column of the Table of "Assimilated Rank," &c., of the "Board on Regulations" in 1864, already spoken of? (See Appendix, F.) The junior Commander, in that year's Register, entered the Navy as Midshipman on the 1st November, 1828, became Lieutenant on the 25th February, 1841, and Commander on the 2d March, 1857. As he left our Navy during the war, the age at which he entered it cannot be learned from the above-mentioned "Age" column of the "Table" of the "Board on Regulations" in 1864. We may suppose it to have been sixteen, the estimated average.

The junior Surgeon ranking with Commander, in the same Register, entered the Navy as Assistant Surgeon on the 23d February, 1835, at the unusually early age of twenty years and four months, became Surgeon on the 6th December, 1845, and ranked with Commander in twelve years from the latter date, viz: on the 6th December, 1857.

The junior Paymaster ranking with Commander, in the same Register, entered the Navy as Paymaster on the 15th September, 1845, at the age of twenty-four years, nine months and a half, and ranked with Commander on the 15th September, 1857.

These are the official data: the results as follows:

The Line Officer entered the Navy as Midshipman, (a Warrant Officer,) at (presumably) 16 years, became Lieutenant at 28 years and 5 months, and Commander at 44 years and 5 months.

The Medical Officer entered the Navy as Assistant Surgeon (a commissioned officer) at the early age of twenty

years and four months, (two years and eight months before the estimated average,) became Surgeon, after ten years and eight months and a half, at the age of thirty-one years and a half month, and, in twelve years thereafter, reached the assimilated rank of Commander at a little over forty-three years of age.

The Paymaster entered the Navy with the commission of Paymaster, and with the relative rank, according to date of commission, of Lieutenant, and of Surgeon under twelve years, at the age of twenty-four years and nine months and a half, on the 15th September, 1845, and, in twelve years, was assimilated in rank with Commander at a little over thirty-six years and nine months.

The three illustrative instances here given show the ages at which the Line Officer, the Surgeon, and the Paymaster, who had *last* reached the rank of Commander before the date of the above-mentioned Report, attained that rank, to have been respectively as follows, viz :

Line Officer at 44 years and 5 months.

Surgeon at 43 years and a half month.

Paymaster at 36 years and 9½ months.

These are *not* selected cases ; they were the *latest* before the " Board," and might by them have been assumed as the average, and as the basis of their statement ; though Surgeons did not, *on the average*, reach the rank of Commander at so early an age as in the instance given. The " Board " were, therefore, right in not objecting, as unjust to Lieutenants, to Surgeons reaching the rank of Commander at twelve years' date of commission ; but they erred in stating that the Line Officer continued twenty years in the grade of Lieutenant, and was " some thirty-four or thirty-seven years " in the Navy before reaching the rank of Commander, and also in stating that the Paymaster attained the same rank at an age " at least, if not upwards of, twenty years " younger than the Line Officer.

Cuique suum tribueto. There is no more fairness in assimilating Paymasters with Surgeons for the purpose of an argu-

ment against the claims of the latter, than there would be in objecting to the just claims of the Line from the real or fancied shortcomings of any other Corps. No two Corps are alike circumstanced; no two have identical claims, which are individual to the individual Corps; no one should prejudice another; no one retard it, like the old man on the shoulders of Sinbad; but, in the contest for the prize, each should be free and untrammelled, like the Olympic horse, to speed onward in the course.

The injustice of assimilating dissimilar Corps was long ago officially noticed. In the annual Report, of December, 1864, the Medical Bureau remarks that

“The Medical Service, for some reason not well perceived, is apparently made the standard of rank for other Staff Corps, without reference to the widely dissimilar duties, acquirements, or trust; and I believe our Navy presents the only instance of such a distribution of rank, or pay. The more systematically organized navies of Europe are certainly exempt from this peculiarity.

“The highest rank attained by a Medical Officer of the Navy is reached in less than half the period of service by members of other Staff Corps; and the pay that attaches to a Medical Officer in charge of a Fleet inures to members of other Staff Corps upon similar advantageous terms. The office of Surgeon of the Fleet brings with it no additional rank; because every officer holding such appointment is entitled to his rank by seniority, and not by his temporary office.”

Notwithstanding the creation, July 17, 1861, of the grade of Assistant Paymaster, as initiatory to that of Paymaster, there remained, on the 1st January, 1869, on the Active List, twenty-eight Paymasters, (to say nothing of the Retired List,) who, unlike Surgeons, escaped a long novitiate, and came into the Navy full-fledged. Till the Paymaster shall have passed through the chrysalis state, he cannot assimilate with the Surgeon.

The Engineer Corps was created, August 31, 1862, complete in its several grades.

The Board, whose Report (in 1858) we are considering,

remark that the "Army Regulations about Medical and Pay Officers have been repeatedly urged in justification of the Naval General Orders conferring the qualified rank of Commanders, &c., upon the Medical and Pay Officers of the Navy," and reply that "the Major, with whom an Army Medical or Pay Officer assimilates, stands in the Army but fifth in rank and precedence: whereas the Commander, with whom a Navy Medical or Pay Officer of over twelve years assimilates, stands second in these particulars. Relatively, therefore, the latter are three grades higher towards the topmost round than the former." The answer is easy. If the Commander was second from the top, so was he, *then*, second from the foot, of commissioned Navy Officers; whilst the Major, with whom the Army Surgeon then assimilated, was fourth from the foot. But the Board remark that "the principal object of the assimilation of rank in the Army is to confer identity of pay." This is just, provided the rank be just what it should be. There should, in all fairness, be the same correspondence between rank and pay in the Navy as, the Board here tell us, exists in the Army. But the Board deny the parallel between the two services, saying that "there is but little analogy between the arrangements of the Army and Navy, and, therefore, what may do very well for one service may not answer at all for the other." We think that justice would *answer very well* for both services, and *should* create an "analogy," if it do not already exist, "between the arrangements" of both in *this* particular. Proportion rank and pay to desert, and you proportion them to each other. But the Board think the Surgeons and Paymasters overpaid, and would be overranked, should rank correspond with pay: for they say that "both are, or may be, paid considerably higher than the Commander with whom they assimilate." Omitting all instances of overpay to Surgeons, they proceed on this wise:

"As a striking instance of this fact, and of the extent to which it is carried, it may be well to mention what now actually exists on board the Frigate 'Powhatan,' where the head of the ship is a Captain who entered the Navy more

than *forty* years ago, and the Purser a young man who entered it a little more than *five* years ago; and yet the latter receives a larger compensation than the former !!! Also, at the Navy Yard at this city, (Washington,) there is stationed, as second in command, a Commander who entered the Navy more than *thirty-seven* years ago, and has served at sea *twenty-four* years of that time, and a Purser employed as Inspector of Provisions, &c., who entered the Service but little upwards of *eight* years ago. The pay of the former is \$2,100 per year, and of the latter, \$2,500 !!! No similar results can be produced in the Army by the operation of its system of organization. These cases tend to illustrate the absurdity of our arrangements, and many, very many, of a similar sort, could be adduced, were it deemed necessary. With such unheard of, and, we must say, unmerited advantages, in the way of both rank and pay, still, strange as it may appear, dissatisfaction seems yet to exist; and more even is expected, if not demanded.

Two things did *not* "appear strange" to the Board: first, that these "unmerited advantages in the way of both rank and pay," of Purser over the Line, should alone have been cited as "a striking instance of the fact" that "both the Surgeon and Purser are, or may be, paid considerably higher than the Commander with whom they assimilate;" and, second, that the Board failed to see that they were "unmerited advantages" over the Surgeons as well as over the Line.

The Board having omitted to illustrate the class of cases in which the Surgeon is paid higher than the Commander with whom he assimilates in rank, we will supply the deficiency from our own experience, not an unusual one. Some years ago, we made a third cruise as Fleet Surgeon, with a Commander, with whom we were assimilated in rank, 16 years our junior in age, 23 years, less 21 days, our junior in date of commission, who entered the Navy as Midshipman 87 days *after* we had become Surgeon, and who attained the rank of Commander in 24 years and 2 months from the date of his warrant as Midshipman. The rest is known, and common to the service. The *Wardroom* was to be our *perpetual sea home*; the *Cabin* his: he to command; we to obey: he to advance, with advancing years, from grade to grade.

and from pay to pay, till he should command squadrons and fleets, whilst there was *no* progress for us. Already has he advanced in rank, with higher pay than ourselves. But, during the period in which our pay as Fleet Surgeon exceeded his, he had the above-mentioned compensations, and did not, in our hearing at least, bemoan his hard lot, feeling, as well he might, that the balance of advantages was on his side. The grade of Rear-Admiral had lately been established *by law*; and the relative rank of Captain had not then been given *by regulation* to Surgeons. Our Commander then stood *fourth* in rank and pay from the top of his Corps; we at the *highest* rank and pay of ours: he in the bud of manhood: we in its sear leaf: *he in a noble command, with a future as glorious as he should choose to make it; we with an humble present, and no future.* Though *nominally* his equal in rank, he commanded, and preceded us. In all things but one, and that temporary, we were subordinate. He had over us all the above-mentioned advantages, present and prospective, save only our short-lived excess of pay. We do not suppose that he grudged us this, any more than we did him all that he had besides. He could not have felt it a grievance and a burden, for he seemed ever unrepining and happy, never appearing to say within himself, “Yet all this availeth me nothing, so long as I see Mordecai, the Jew, sitting at the king’s gate.”

This is the class of cases, in which the Surgeon’s pay may, for a time, exceed that of the Commander; and, in such, either the Commander is placed too high, or the Surgeon too low. Yet of these there are not wanting Line Officers to complain, as if determined on a grievance. With them it is not enough that the Surgeon, when at his maximum rank and pay, is still several degrees below the rank and pay of the Commander-in-chief, with whom are most of his official relations. But it is enough for them that the Ship is commanded by a Commander, whose rank and pay, they allege, should limit those of the Surgeon. Substitute a Captain, the rightful Commanding Officer of a Flag-Ship, and the objection disappears; the Surgeon may then hold his rank and

pay without offence. But, as it is, the individual Commander soon goes up, giving place to another, and another, and another, to each of whom, in turn, the Surgeon must still be subordinate. The wheel of fortune is ever turning to the Line Officer, who is ever advancing upwards, and who has but to live on till it shall bring him to the top, which, with a good constitution and the avoidance of vice, he is sure to reach. Each succeeding Commander is relatively younger than the Medical Officer: till, in time, the latter finds himself commanded by a Commander, who was in the nurse's arms, or astride his hobby-horse, when the former was a Commissioned Officer. Still, for reasons not appreciated out of the Line, the Surgeon's pay must, at no time, exceed his, which is its gauge and limit. The Commander, with every other preëminence, is to have preëminence of pay. His are *all* the glories and *all* the honors of the Service, with the chance of living in history, a nation's voice to proclaim his deeds, and a nation's mausoleum to enshrine his remains.

We repeat that the evil complained of exists in cases in which a Flag-Ship is commanded by a Commander. It is the *only* ship in which the Fleet Surgeon can sail, but by no means the only one in which the Commander can sail. The cruise of the ship in question extended from the Autumn of 1861 to the Spring of 1864. She had, in succession, *five* Commanding Officers, of whom the last only was a Captain; the others were Commanders, lately promoted: the first on the 15th November, 1861: the second and third on the 16th July, 1862; and the fourth on the 2d January, 1863. It was by *order* of the Department, and not by an accidental *error loci*, that these Officers commanded the Flag-Ship. They did not propose to remedy the evil, if they thought it such, by relinquishing their commands to Captains, for they could not increase their pay; and as the Fleet Surgeon could not reduce his pay, neither did he ask to be relieved of his disproportionately high place. Surgeon's pay does not slide up and down with command. What, then, was the remedy? Time, the great restorer, (of which it has been said, *opinionum commenta delet dies, nature judicia confirmat.*) brought.

at last, a Captain to the command, and thus, happily, subordinated the Fleet Surgeon's pay to that of the Commanding Officer. Thus ended that grievance: a grievance, not to the Commanders themselves, but to the Line writers, who are so bent on one, if possible, as necessary to their argument against Staff rank.

We have claimed for the preceding statements that they are the general experience. An officer, who has written much and well on Staff rank, has lately recorded his kindred experience of the relative position of Line and Medical Officers on shipboard. He says:

“Our Service is overgrown with usages which sprang up in the earlier and ruder ages of naval life, and still cling to it with a power and tenacity which almost defy modern enlightenment, progress, and even law. Among the usages is that which limits and restricts an officer's rights and comforts to the apartment in which he messes, even though *his* rank actually entitles him to higher privileges and comforts than belong to those of an inferior rank, who make up the majority of the inmates of that apartment. The Steerage is the most humble of those apartments, and is the dwelling-place of the very young, or those of no responsibility. The Wardroom gathers in it most of the Commissioned Officers, and was originally occupied by none of higher rank than Lieutenants. *All its usages and government are still conformed to the scale of that grade.* There is only one mess superior to the restrictions of the Wardroom, and that is the mess of the Commanding Officers and their associates, who may range in rank from a Lieutenant Commander to an Admiral.

“The Assistant Surgeon enters the Service with the rank of ‘Master,’ the lowest in the Wardroom, the incumbent being, in modern times, generally a graduate of the Naval Academy, awaiting his promotion to a Lieutenancy. Like the Master, the Assistant Surgeon at once becomes a member of the Wardroom mess.

“The Line Officer passes beyond and above the petty rules, restrictions, sleeping berths, and companionship of the Wardroom, before he has lost the compensation of youth and novelty. His tenancy closes with his career as Lieutenant, or, at most, that of Lieutenant Commander—the seventh in degree from the highest rank. Even, in this grade, he may make only one cruise as the Executive Officer

of a large ship, or continue, for a brief period, in the Wardroom on some special and temporary duty. But, more often, from the time he becomes a Lieutenant Commander, he has the independence of his own Cabin. His comforts and conveniences increase as he advances in rank; and, through all coming years, he is the associate of those of corresponding position and age.

“When we turn to the Medical Officer the contrast is very great. As Assistant Surgeon, Passed Assistant Surgeon, Surgeon, and Fleet Surgeon, he has had the assimilated rank of Master, Lieutenant, Lieutenant Commander, Commander, and Captain; but, with all these lapsing years, increasing rank and responsibilities have brought no practical change in his shipboard existence. His sleeping berth or room may be a few feet farther forward than it was when he was an Assistant Surgeon thirty or forty years before. It is the same, however, that he occupies as a Fleet Surgeon. He is still a Wardroom Officer, subject to the same restrictions that fettered him when he was new to the Service, and in training for its duties. With the failing eyesight of increasing years, the clerical duties of his position are to be performed, even in the daytime, by candle-light, in this cell; while, probably, there are, in the air and light of the upper deck, ample rooms devoted to the pantries and servants of the Commanding Officers, who entered the naval service with him, or perhaps years since he did, and who may be not only his juniors in rank, but, some of them, young enough to be his children, but now enjoying the privacy and comforts of the Cabin.

“While the Medical Officer has thus been growing old amid the restrictions of the Wardroom, the young gentlemen, who started with him, have gone up to the rank of Commodore and Rear-Admiral, not by special promotion alone, but by seniority; so that, with each cruise, he finds himself in the midst of a younger, and a still younger, association, each in turn leaving him behind. It is no disparagement to the gentlemen themselves; but it is nature’s law that, however agreeable they may be, there is a want of congeniality between the sentiments, tastes, impulses, and topics of conversation of those so widely separated by years; and, in an apartment, [occasionally enlivened, as in our last cruise, by an evening exhibition of monkey tricks performed by the ‘Executive Officer,’ a Lieutenant Commander, varied by a cat-and-dog-fight soirée; or] in which the associates of the old Fleet Surgeon are, in the joyousness of youth, dancing

Junba to a banjo, he may well wish himself a boy again, or in some other region," than that in which—

"All Bedlam, or Parnassus, is let out."

The writer illustrates the contrast and incongruity in question, by stating that, in the late war, "during the most inclement wintry weather on our coast, an old Fleet Surgeon was limited to such comfortless and degrading restrictions; whilst the three Commanding Officers, in the cabin, were, first, the Commander-in-chief, the nominal *junior* of the Medical Officer; the second, who had been a Midshipman in a Squadron of which this Medical Officer was *Fleet Surgeon* twenty years before; and the third, who was *not born* till years after the Doctor had been actually engaged in the Naval Service." The writer mildly asks: "Could such a scene as this be imagined in any civilized association where the ordinary influences of decency and propriety were left free to act?" We answer yes; for we have ourselves been cognizant of much such an one ("where the ordinary influences of decency and propriety" are claimed at least to have been left free to act) in the American Navy, though *not elsewhere*.

In this connection, the writer comments on the general law upon prize-money; the provisions of which are such that, "in a squadron in which the Commander-in-chief's share of prize-money was one hundred thousand dollars, the Fleet Captain, a young Lieutenant Commander, had *his* share; and the Fleet Surgeon, an officer of over *thirty* years' service, and of higher nominal rank than *any* other officer of the Squadron, was not entitled to, and *did not receive, one cent.*"

Let *twins* enter the Navy, one in the Line, the other in the Medical Corps, and continue therein till the age of three score and ten, which will have had the lion's share of its good things? We think the Line twin decidedly. Yet we find no such admission in Line writings; but, on the contrary, such resistance to the Surgeons, as might seem to imply that the Line felt their little all in danger. What,

then, do *they* say, is the issue between the two Corps? One Line writer answers thus: "The only particulars which these gentlemen can specify, as anything like a shadow for their piteous grief, are that, *without rank, they are not entitled to salutes, and have no fixed position to take up in a line of officers with whom they happen to be entering or leaving a boat.*" A second Line writer defines it to be "*the empty honors of ceremony and etiquette;*" and the "Board" of 1858, whose "Report" we have been considering, and who were convened for the purpose of "preparing a Code of Regulations for the Navy," state, at the outset, that they "have experienced much embarrassment in attempting to arrange the subject of *precedence and etiquette* between Surgeons and Purasers, as forming one class in relation to it, and Sea Officers, or those in the line of command, as forming another;" and they say that, "however this subject may be regarded by persons inexperienced in naval or military life, the undersigned, (the three Line Officers who were on the mixed Board,) considering its bearing upon well-ordered discipline, and harmonious military association, view it as one of vital consequence to the welfare of the Naval Service," &c.

We here see that the Line claim to be the *only* competent judges of the subject, which they state to be "*precedence and etiquette;*" and we think that an impartial, or non-military, Board might "have experienced little embarrassment in arranging" a subject apparently so easy of adjustment. But the Line challenge any other, than military, judges as incompetent to decide this so-called military question. The Board were divided in opinion; as a mixed Board would surely be on such a subject; each party reporting (in the words of one of them) that, "after discussion, and an interchange of ideas upon the points involved, they find themselves utterly unable to arrive at a conclusion satisfactory to a *majority* of their number." Does the reader, for a moment, suppose that a Board of Line Officers exclusively would be an impartial tribunal to decide such a question? and yet they claim to be the *only* competent judges. Before such judges the Surgeon would stand as much chance, to

borrow a simile, "as a rat before a jury of cats." If the whole subject is what the Line state it to be, viz, one of "precedence and etiquette" merely, what is there in so simple a question, aside from the exaggerated manner in which Line writers have treated it, to swell it out to the dimensions of a subject "of vital consequence to the welfare of the naval service?" Is this all that they have elaborated so many pamphlets about, and have gone before Congress, year after year, to resist, and are, at this moment, resisting: "merely the empty honors of ceremony and etiquette?" Is the monopoly of this "*mere emptiness*," which they speak of with a sneer as not worth any body's owning but theirs, of such "vital consequence to the welfare of the naval service," as that, rather than share it with Surgeons, they have battled with them for half a century? Was it to retain the whole of this "*mere emptiness*," that *they committed the insubordination of preventing, at the opening of the present session of Congress, the legalization, recommended in the Secretary of the Navy's Report the year before, of the Department's Order, of the 13th March, 1863, establishing, by Regulation only, the present Staff rank?* Was it for this great end that, on the 6th and 7th of January just passed, they memorialized Congress at one end, and dictated a speech for it at the other, against a Bill, recommended unanimously by the House Naval Committee, a Bill that had been approved by Admiral Farragut and other liberal minded Line Officers, as calculated to harmonize the two Corps by providing that Surgeons *above* the rank of Commander should be employed *only on shore*; the Surgeons having hoped, by this provision, to please the Line, who had objected that, from the want of it, the Commander had sometimes been outranked, and out-paid, by the Surgeon of the ship? Yet this Bill was cloven down by all sorts of objections supplied by the Line, and with *imputations* of unworthy motives to the Surgeons. The Memorialists denounced it as highly objectionable, and fraught with dangerous consequences, with other threadbare platitudes, (believed only by the utterers,) repeated *ad nauseam*, for the last *fifty* years: and they denounced the Sur-

geons as seeking only to exalt themselves, to crowd into the Cabin, and to pursue aims purely personal: imputations credited only by the prejudiced members of the Line. We commend to the writers the 79th paper in the *Rambler*, entitled "A SUSPICIOUS MAN JUSTLY SUSPECTED." The Memorialists, moreover, ever watchful of the Treasury now-a-days, *inform* Congress that the passing of the Surgeon's Bill will *cost* too much money, at a time when all good citizens should study National economy. This economical notion seems to have struck them *since* the 16th July, 1862, when there was such an upheaval, in the Line, of rank above rank, with such a liberal outpouring of the precious money, both so agreeable then and now to the Memorialists. Their brethren of the Line pressed on the attention of the House, where the Bill, under their prompting, was ridiculed, *economical* considerations like those which the Memorialists urged the next day on the Senate; as if fearful lest, otherwise, the idea might never occur to Congressmen, who might, in their prodigality, run Surgeons' pay nearly up to that of the Line. The day may not be distant when Congress may take these gentlemen at their word, and practice on them *the economy* they thus commend for the Surgeons, by stopping promotions in the Line till the present numbers shall be much reduced, and possibly even by lessening their pay. Should this ill betide them, they will realize, to their astonishment, the fulfilment of the prophecy, "For they have sown the wind; and they shall reap the whirlwind."

We are glad to know that the Bill had *one* friend in the Line; and that, whilst, on the 7th of January, there was read in the Senate "the remonstrance of Joseph Lamman, rear-admiral, and several captains, commanders, lieutenants, &c., in the Navy, earnestly remonstrating against the passage of a Bill now pending to reorganize and increase the efficiency of the Medical Department of the Navy," in which they say, "in our opinion the measure is altogether objectionable, and opposed to the best interests of the service," there was read, on the 6th, in the House, a letter, written, four days before, by the first Naval Hero of the age, express-

ing his opinion that the Bill "appears to be drawn up in a spirit of fairness and justice to all," and declaring, "I do not hesitate to say that I approve of the principal features of the bill." The opinion of one such man "must o'erweigh a whole theatre of others."

Nothing, it seems, from the Surgeons can please the Line: guile lurks within, *aliquis latet error, equo ne credite*; every step of the Surgeon is suspected to be over hidden fires, *ignes suppositos cineri doloso*. With a single exception, (*but he a host*.) no Line Officer, so far as we know, has done the Surgeons the simple justice to assure them that any measure of theirs for the harmony of the two Corps "appears to be drawn up in a spirit of fairness and justice to all." Alone, in intrepidity, in this act of justice, as he is so in the Navy which he has illustrated by his heroism—

"he, above the rest
In shape and gesture proudly eminent,
Stands like a tower."

As contrasted with the Line, what has been the conduct of the Surgeons? In friendliness and conciliation, they approach the Line, and strive to harmonize their relations by the only means that, in their opinion, will effect that end, viz: a position which, while less than just to themselves, shall have strict regard to all the rights of the Line, and to the best interests of the Service. When the Line asked for their reward for war services, they received it *from Congress* by largely increased grades and promotions, with correspondingly increased pay. Young officers rose, in a mass, to high rank; and the upper grades were soon crowded. More than half of the commissioned officers of the Line (470 out of 756) have risen (see Navy Register, January 1, 1869) to the rank of command; and *one hundred and nine* of them to a rank higher than the highest before the war; while not one Medical Officer has yet been promoted, nor received the slightest recognition of his services *from Congress*. Did the Surgeons envy them this? No. They saw it with pleasure, and congratulated every Line Officer on his promotion. They waited

patiently, and then asked *Congress* for their reward. But the Line Officers stood armed against them. The Surgeons appealed to the *Department*, which, in March, 1863, advanced them one step, by giving to Surgeons of over fifteen years' commission the *temporary relative* rank of Captain, the present maximum Staff rank, which *they hold only on the breath of the Department*. The "General Order" of 1846 had given to Surgeons, of twelve years' commission, the *relative rank* of Commander, which was next to the highest rank of the Line. The "General Order" of March 13, 1863, gave, as we have said, to Surgeons of fifteen years' commission, the *relative rank* of Captain, which (on the supposition that the two grades of Admiral and Vice-Admiral are to be held in abeyance) is the third from the highest Line rank. Though their rank was thus (by Regulation only, *not Law*) advanced one degree farther from the foot, it was still one degree farther from the top than before, in view not only of the increased number of grades in the Line, but, more than this, of the large promotions of young Line Officers to the higher grades. Well do we remember the storm that this "General Order" raised in the Line; the meetings that were held; the indignant articles in the public prints; and the remonstrances to the Department, depicting the "injustice" and "insult" to the Line, and foreboding dire results to the Navy. Happily, the predictions were not verified; and the Navy survives.

As there may be some readers who may not remember what was matter of notoriety in 1863, we will copy from the Report of the "Board on Regulations," April 9, 1864, already spoken of, a paragraph concerning the *modest* request of 116 Line Officers to the Secretary of the Navy to rescind his Order, of March 13, 1863, conferring Staff rank:

"Amongst the papers sent to the Board for consideration, there was found an appeal to the Honorable Secretary of the Navy, signed by one hundred and sixteen (116) Line Officers, all of whom were then engaged in active operations afloat against the enemy, requesting him, *in the most urgent manner*, 'as the guardian of their rights,' to annul the 'ap-

portionment of rank ' contemplated in the extract already referred to, and suggesting 'as fair to all parties, and as *conducive to the welfare of the Navy*, that such a basis as the following be adopted: Surgeons, Paymasters, and Chief Engineers to rank with, but not above, Lieutenants by date of commission, and to rise with, but not over, them!' This list of officers was composed of one acting Rear Admiral, nine Captains, twenty-nine Commanders, forty-seven Lieutenant Commanders, and thirty Lieutenants."

This little incident is here recorded only as it lies in the path in our narrative of the history of Staff rank. True to their instincts, one hundred and sixteen of the *Proprietors* of the Navy, actuated by a regard for its "*welfare*," appeal, unasked, "in the most urgent manner," to the Secretary of the Navy "to annul" his "apportionment of rank" Order, and to "adopt," in its stead, something of their own suggesting. Every one of these gentlemen would possibly be willing, with little urging, to be at the head of the Navy Department, and to indite all its Orders. The Honorable Secretary has not, after a course of years, "adopted" their suggestion; and the "Board on Regulations," to whom he referred it, merely acknowledged its receipt, with (as the reader may have observed) *a note of admiration*. Two Priests of Apollo could not look each other in the face without laughing. Those ministrants at the Delphic Shrine had duped the credulous votaries who had consulted them, and might smile at their success. The Naval Oracles, on the contrary, may look soberly at each other. They were not consulted; their gratuitous advice was not "adopted;" and they have the satisfaction of knowing that nobody has been duped.

How many predictions of dire effects has not the Navy survived, since the days of the venerable Benbow, when it was deemed perfect, and all change heresy. It has survived the abolition of "grog," and of the "cats;" and it lives notwithstanding Staff Officers wear epaulets, so much to the chagrin of the "seven Captains and eleven Commanders," who, whilst they had not been disconcerted, on the 1st January, 1846, by the glitter of a pair of *new* epaulets on the

shoulders of Lieutenants, *felt it their duty*, as guardians of the Navy, to address a joint letter to the Honorable Secretary, on the 3d June, 1847, the *third day after* the conferring of the *same* badge on Surgeons and Purasers, asking "that the uniform of the grades to which they respectively belong may be so changed that it may be divested of the epaulets hitherto assigned to their dress, and the small sword in full dress may be substituted for the cut and thrust sword worn." The Honorable Secretary, Mr. Mason, replying that "*the proposition did not strike him favorably*," called on each for reasons, which, as given in eighteen answers, were, substantially, that the "*public good*" required the change. The result is known. The "*public good*" gentlemen were allowed to retain their epaulets and broadswords; Mr. Mason, himself no foreboder of evil, determining to "beware of false prophets," and believing the Navy to be like Milton's angels, that

"vital in every part,
Cannot, but by annihilating, die."

Line writers cite the British Navy, which, *till of late years*, gave to *sea-going* Surgeons rank "with, but after, Lieutenants." The "Board," of 1858, remarking that "the Chiefs of their large Hospital establishments, with the local rank of Rear-Admirals, *are not expected to serve afloat*," thus conclude: "Pay civil officers in proportion to length of service, and to responsibility of position; but, under no circumstances, *ought they to be allowed rank over Commissioned Officers in the line of command*." At that date (1858) Lieutenants were the lowest Commissioned Line Officers; now, Masters and Ensigns are commissioned, and are consequently to rank all Staff Officers. So, the "Board" would rank all Staff Officers two grades lower than the English rule, (which was to rank Surgeons "with, but after," Lieutenants,) as, "in their mind, perfectly concordant with sound military deductions: and that nothing more can, with safety, be accorded."

We have dwelt on this "Report" from the high character of the "Board." It is a digest of all the Line pamphlets.

and would, doubtless, have been signed by the Corps generally as their manifesto, and ultimatum, which is, that, "*under no circumstances of sea service, should any civil officer be placed, by rank or uniform, over any commissioned officer of the Line.*" This runs through all their writings and their acts : and any concession has been, or has to be, forced.

But the British example is inapplicable, from the aristocratic character of the social and political systems of England, where, in Church and State, the high places are usually reserved for scions of Nobility, who overtop the middle classes in every department of the public service. England cherishes her Army and Navy, which have made her glorious and powerful as she is, and hence, *as a rule*, gives the posts of authority and command, in which glory and honor are to be won, to the titled and noble. In the Military and Naval Departments, these posts are in the Line, to which the highest rank is given. In the British Navy, Line Officers claim to be the "Navy proper," and to take the high places in the Naval Sanhedrim. On all occasions, they are the honored and the illustrious. The Nation kills for them the fatted calf, and sets them down as the Symposiarchs at the feast.

The Staff, on the contrary, sprung, for the most part, from an humbler sphere, must be content with an humbler place ; though these caste feelings and prejudices are beginning, even in England, to decline, under the progress of modern enlightenment and reason. But *our* Line Officers, forgetting that they are not in England, nor the sons of a titled aristocracy, still servilely imitate examples, which even the English are beginning to discard as the remnants of an imperfect civilization, and never applicable to this country.

Line writers have a pleasant way of ending their pamphlets with a pretty sentence, disclaiming disrespect and an unkind spirit towards those, "with many of whom they are closely allied by long and eventful associations, full of those kindly sentiments and touching memories that dangers and hardships, and the varied adventures of naval life, shared in common, are apt to inspire." An amiable and graceful finale !

But it does not give us rank, with its attendant*privileges and pay. We ask bread, and they give us a stone. As of old, so now. "And Joab said to Amasa: art thou in health, my brother? And Joab took Amasa by the beard with the right hand to kiss him; but Amasa took no heed of the sword that was in Joab's hand: so he smote him therewith in the fifth rib."

Wherein have the Line shown signs of friendliness? Is it in their, often virulent, pamphlets and newspaper articles, their indignation meetings, powerful organizations, and secret conclaves, their reproachful memorials to Congress, and their untiring opposition to the claims which the Surgeons believe to be just and right?

It may be worth while for the Medical Community, whom we are addressing especially, to know that the Medical Officers are charged with having "discarded all military *esprit de corps*: and that this feeling is, in many of them, totally extinct, is evident from the circumstance that these officers now go out of the Navy, and array a whole profession in civil life against the good order and well-being of the Service; as shown by the 'resolutions' adopted by medical societies for the purpose of bearing upon a subject, with which they are not conversant, and which, it is feared, has not been rightly presented to them."

We have been at some pains to present to the Medical Community, notwithstanding any seeming want of *esprit de corps*, our views on a subject of much interest to us. The Surgeons have done what, they think, became them. The Profession are now appealed to from the verdict of the Line. It is for them to say whether, in their opinion, the position of the Medical Corps in the Navy is such as it should be, and, should they think with us that it is not, to determine, without any suggestions of ours, what measures it is proper for them to take to aid the Surgeons, in the exercise of a power which the Line acknowledge and deprecate.

A main purpose, in this Essay, has been to present to the Medical Profession our views, which we believe to be shared by the Medical Officers generally, of their position relatively to

the Line. The issue between the two Corps, and the latter's objections to Staff rank, are given in words copied from their newspaper articles, pamphlets, and Official Reports ; and the reader hence hears their various utterances, from those of the little 'Tray. Blanch, and Sweetheart,' all the way upwards. He will have seen that, with them, *words are things*, and that they ignore, as completely in practice as in their writings, both Staff rank and the laws and regulations establishing it. We have taken their objections as they have stated them, and have endeavored to meet them. They claim to be sole judges ; sole guardians, and sole friends of the Navy ; solely knowing, and solely watching its interests : exclusively patriotic, impartial, and disinterested, and alone fit to have a voice in its concerns. The claim to Staff rank they charge as new, and the discord in the Service as due mainly to the innovation of its introduction. Rank, they say, implies command, and must hence be confined to the Line. All these dicta we have controverted, as opposed to reason and facts, and as sheer arrogance. So far from the claim to Staff rank's being new, the Reports, as we have shown, of a dozen Secretaries of the Navy, from the Honorable Paul Hamilton, in 1812, to that of Mr. Secretary Welles a little more than a twelvemonth ago, have *recommended* that a proper rank should be given to Medical Officers. We have shown, moreover, that, by their own admissions, the most frequent infractors of law and order have been Line Officers ; that the dictum that rank carries command, and cannot therefore be given to the Staff, is contrary to fact ; and that the further dictum, that the present discord in the Navy is due to Staff rank, is, likewise, directly the reverse of the fact, which is, that it is due to the persistent violation, by the Line, of the law and orders conferring Staff rank ; and, as to the assumptions that the Line are the sole judges of the effect of Staff rank on the welfare of the Navy, that any one of its interests would be impaired by it, that the Line are its more hearty well-wishers or its more hearty well-doers than the Medical Corps, or that they are more patriotic, impartial, and disinterested, as they ever claim to be, the mere utterance of

such assumptions betrays a conceit, pretension, and arrogance, against which Staff rank is the *only* protection, even were it not otherwise required by the public good. Nor are these claims to preëminent impartiality, disinterestedness, single-heartedness, devotion, and regard for the honor and welfare of the Navy, the sole pretensions of the Line. Some of their writers, deriving the title of Admiral from Emir, claim for him kindred preëminence and supremacy with the green-turbaned descendant of the Prophet, and Commander of the Faithful. A recent Don Magnifico of an "Emir" (see *N. Y. Times*, February 10, 1869) plunges in *medias res*, and decides conflicting claims to jurisdiction between Admirals and Ministers, with admirable gallantry and dash. The young Cadet, in his estimation, emerges from the Naval School *omni laude cumulatus*. Our "Emir" places him "beyond compare," assuring us that "it is *admitted* (?) that Naval Line Officers are the best educated men in any branch of the public Service. They pass at the Naval Academy an ordeal harder than West Point, Yale, or Harvard, or even *Oxford* or *Cambridge*, and are not only thoroughly grounded in every thing relating to war, naval and military engineering, &c., but also in the *higher sciences* and international law: a *classical* (?) education not attainable elsewhere in this country. No wonder, then, that they are proud of their position, and jealous of their rights and privileges; and that they are more dignified and less democratic than their Army *confrères*."

There is more in all this than "Emir" seems to be aware of. He forgets that the whole of this so-called science and scholarship is *given* by the Government before the youth has earned a cent; whilst the Medical Officer *brings* into the Service, at his parents' cost, his education, collegiate and professional, and is ready, on the first day, to begin work. "Emir" may reply that the Line Officer works harder when he does begin. This is true whilst he is Lieutenant: at the end of which term his work is over, and, thenceforward, the advantages are *all* his; for, being then "*an idler*" equally with the Surgeon, he has *more pay, more rank, more*

honors, more comforts, and all the command. Who would not keep the Lieutenant's "watches" for the rewards and honors that await him?

"Would he accept the good, then cavil the conditions?"

In a word, the position of the Medical Officer, as stated years ago in another's language, is this:

"1st. He is an isolated individual, in a rigid and exacting military organization, and is held, with the utmost strictness, to its most minute and technical exactions, and, for any violation of them, is tried and punished by *military tribunals*; and yet is left without any of the advantages of definite rank. 2d. The whole private existence of every member of the military organization of the Navy, even extending to the minute intercourse of life, is regulated by definite military rank, even to the seat which each shall occupy at the table; [and, within the writer's experience, an order was given to the servants '*to help according to rank*,' without a corresponding order to the Caterer to charge mess-bill according to rank.] 3d. Without a definite military rank, the Medical Officer is left entirely at the mercy of a close and powerful organization, which, from its very nature, education, and habits, regards but too often all Staff Officers with a feeling bordering on contempt, and leaves them, without protection, to the insults of rude, illiterate, or inconsiderate men, or dependent on the gratuitous, patronizing courtesies of gentlemen."

It is to *protect* Medical Officers from this injustice and humiliation that they ask for a definite military rank: though this is a motive which the Line fail to appreciate: all of their writers, judging others by themselves, indignantly demanding, in the language of their arch polemic, "on what pretext are Purser and Surgeons banding together to escape from, and rise above, this imperatively necessary inferiority of station; and why are they straining every nerve, and using every influence, in their inordinate desire for power and place?" That was the utterance, some twenty years ago, of a, now, Rear-Admiral, and has been repeated by Line writers ever since. They all remit us to their courtesy and forbearance, such as, with an attempt at

lordly condescension and graciousness, they may be pleased to bestow ; their Eminences “proposing” to themselves “a nice and subtile happiness,” in dispensing their imperial favors. All such are past reasoning with ; they continue their “vain repetitions,” as the monk counts his beads : we let them alone, as “joined to their idols.”

Whether the 678th “Regulation,” prohibiting any officer from “messing elsewhere than in the apartment provided for him for the purpose,” was leveled against the old Staff Officers is best known to the framers. One thing we know, that, in one instance at least, it has lately had the dog-in-the-manger effect of preventing a Rear-Admiral from inviting into the Cabin the Fleet Surgeon, out of the Wardroom, little less public than a bar-room, dimly lighted, and fettered by restrictions adapted to the years of the majority of its occupants, who numbered twenty-two in our last cruise, with but one Wardroom boat for all, except the “Executive Officer,” who had his own fancy boat always at command, whether for duty or pleasure.

It has been said that “there is a tide in the affairs of men, which, taken at the flood, leads on to fortune.” The fortunes of the Line were at flood-tide in the second year of the war, when the pulse of the Nation, for a time, stood still. They then “reaped the rich harvest of the World’s applause,” and received from the Country that recognition of their merits which they had long sought in vain. Rank and honors came thick upon them, to the full measure of their ambition, and in excess of all former expectations. The casualties of the war brought work to the Medical Corps : but it was *silent* and *unobtrusive* ; unknown, it seems, except to the performers, for it was unnoticed even in the Official Reports from the Squadrons. From these it could scarcely have been thought that there was such a Corps ; and, although it has been charged by Line writers that, “when the Boatswain calls ‘all hands’ to save the ship, the Surgeon and Purser go where they can bestow themselves in the most comfortable manner,” and, “when the drum beats to quarters, they go to places of safety,” yet the Navy Regis-

ters show that, during the late war, nineteen officers of the Line and *five* Medical Officers were reported lost in vessels sunk by the enemy, or killed in battle, as follows :

	Lost.	Killed.
Commanders.....	2	4
Lientenant Commanders.....	0	5
Lientenants.....	6	2
Passed Assistant Surgeon.....	1	0
Assistant Surgeons	2	2

Also, eleven Medical Officers were taken prisoners (as stated in the Report of the Medical Bureau, of December, 1863) in that single year : a pretty fair proportion, all this, of accidents for “places of safety and comfort.” In vain would the Medical Officer have inquired, with the poet,

“What walls can guard me, or what shades can hide?”

Yet, of the war services of the Corps, the Country has, to this day, *given no recognition*. In the language of Gibbon, “their names were counted on the day of battle; but they were overlooked in the division of the spoil.” The reward is, perhaps, remitted to a future war; when juster legislation may make amends for the past; and most of those now denied it shall be indifferent alike to reward or to neglect. Not to have stepped into Congress with the Line was losing the golden opportunity. It was missing the moment when the water was troubled by the descending angel. The Nation stood ready to reward all who had plunged into the blood and dust of the conflict. Common dangers and common toils had, in a degree, united the Service and allayed the jealousies of the Line. But, these over, like the bulls of Bashan, that had fattened on the green pastures, and waxed wanton in their fulness, the Line, sated with rank and honors, ungratefully turned, against the Surgeons who had striven to save their lives, the same determined hostility before shown against those who had, but lately, striven to destroy them.

From the Line we turn to the Profession of the Country, and ask if they will look quietly on and see this. The Sur-

geons have done their duty, they think. They are, to this day, struggling for *rights*, of which a rapacious oligarchy are depriving them. They are striving to uphold the honor of the Profession, single-handed, and with stout hearts. They have confidence in final success. Meantime, they address themselves to the Profession, and ask its aid in the conflict. The Medical Community of the Country can speak with a voice that shall be heard throughout its limits, and with a power that shall reach the halls of Congress. We cannot believe that they will fail to raise the one, nor to exert the other. The cause is not *all* our own; it is partly *theirs*; and to *them* we look, in the confident trust that they will not see any branch of their Profession, how small soever, struggling against power and numbers, for the maintenance of rights, without raising a hand to assist them.

The perseverance with which Medical Officers have, for more than half a century, sought what they believe to be military rights against overwhelming power and unreasoning prejudice, is itself a proof that there is a *vital* principle in the contest. It is not the individuals of the Medical Corps who are making this steady struggle, but a *principle*, which compels those who represent it, in every age, of every class and order of mind, to constant and persistent action; a principle which endows them with an irrepressible power, no more to be bound fast by legislation than were the arms of Samson by the withs of the Philistines.

It is the principle of antagonism between the dogmas and prerogatives of feudality, and the spirit of enlightenment and progress. This spirit and this age deny the claim that the Military Profession has any rights peculiar to itself and not necessary to the performance of its duties, and forbids it the *selfish* privilege of fixing a badge of inferiority on any enlightened Profession. The growing grandeur of our Country, and the many sources of power and influence which it presents to its citizens, are fast dissipating all claims of professional military superiority; and already the contest between the Line of the Navy and its Medical Corps is becoming

ridiculous from the exaggerated pretensions of the former, and from the evident fact that they are contending against a living and progressive principle for the perpetuation of a system copied from Nations that believe in the divine right of kings, a system that died here when this Nation sprang into life.

FEBRUARY 22, 1869.

MAY 1, 1869.

THE ESSAY, thus far, has been brought down to the 22d February. We have waited till the recent adjournment of Congress, that we might complete our notice of the legislation, should there be any, on Staff rank. We have mentioned that, in the Spring of 1868, and again in December last, the Surgeons failed, *through Line opposition*, to procure the legalization of the rank conferred, on the 13th March, 1863, by Mr. Secretary Welles, and that, *through like opposition*, our Reorganization Bill failed in the House on the 7th January last.

Since that date the only legislation, affecting the Staff Corps, was the passage, by the Senate, on the 16th March last, of "An Act to reorganize the Navy of the United States."

The Naval Committee of the House have decided, *in view of the important changes proposed by the Act*, to defer presenting it to the House till December next.

We subjoin those sections only of the Act that relate to Medical Officers *exclusively*, the other Staff Corps being somewhat similarly provided for :

"SEC. 9. *And be it further enacted*, That the active medical corps of the Navy shall consist of one Surgeon General, with the assimilated rank of commodore ; five medical inspectors, with the assimilated rank of captain, *but junior to that grade* ; ten deputy medical inspectors, with the assimilated rank of commander, *but junior to that grade* ; ten staff surgeons, with the assimilated rank of lieutenant commander, *but junior to that grade* ; forty surgeons, with the assimilated rank of lieutenant, *but junior to that grade* ; forty passed-assistant surgeons, with the assimilated rank of master, *but junior to that grade* ; and forty-five assistant surgeons, with the assimilated rank of ensign, *but junior to that grade*. But nothing in this act shall be so construed as to deprive any medical officer of his commission ; and no promotion shall be

made to any of the grades herein mentioned until the number in such grade shall be reduced below the number mentioned in this section. The pay of the Surgeon General shall be that now allowed to the Chief of the Bureau of Medicine and Surgery; and medical inspectors, deputy medical inspectors, and staff surgeons shall be paid as now, from the date of their commissions, as surgeons.

"SEC. 13. *And be it further enacted*, That the appointment of Chief of the Bureau of Steam Engineering shall give no additional rank; *and the offices of Chief of the Bureau of Medicine and Surgery and Chief of the Bureau of Provisions and Clothing are hereby abolished.*

"SEC. 14. *And be it further enacted*, That an appointment as fleet captain, fleet surgeon, fleet paymaster, or fleet engineer shall give no additional rank or pay.

"SEC. 15. *And be it further enacted*, That officers of the medical, pay, and engineer corps, above the grade of staff surgeon, staff paymaster, and staff engineer, shall not be required to do duty at sea, unless in the opinion of the Secretary of the Navy the exigencies of the service demand it.

"SEC. 16. *And be it further enacted*, That nothing in this act shall be construed to give any claim to exercise military command or additional right to quarters.

"SEC. 17. *And be it further enacted*, That commanding and executive officers shall take precedence of all staff officers."

This Act, known as Mr. Grimes's Bill, from the Chairman of the Naval Committee in the Senate, is to come before the House of Representatives next winter. As it speaks so plainly for itself, we are spared, notwithstanding its importance, the necessity of much comment on it. The few remarks, however, which we have to offer we will precede by the following just observations from the pen of a Medical Officer:

"WHAT MR. GRIMES'S BILL DOES FOR THE NAVY.

"1. It reduces each of the Staff Corps in number, and degrades nearly every Staff officer in the Navy from one to two grades. It makes, for instance, the Surgeon who at present heads the list of those ranking with Commander, a gentleman 53 years of age, who has been nearly 30 years in the service, the *junior* of the proposed last Lieutenant, now an Ensign, and who is probably not yet 21 years of age, and

has been in the service less than six years, three of which were passed in pupilage at the Academy.

"2. It increases the number of Line Officers, reducing the grade of Lieutenant Commander from 180 to 80, but increasing that of Lieutenant to 280; the grade of Master and Ensign being established at 100 each, a total of 560 is thus reached, against 451, which includes all officers of the grade of Lieutenant Commander, Lieutenant, Master, and Ensign, now borne on the Navy Register.

"3. It adds, by this additional number of Line Officers, and by the increase of their pay, and that of the Midshipmen, which is an 'Amendment' to the Bill, the sum of \$340,137 to the annual expenses of the Navy. The increase of pay to \$1,000 per annum to the 286 Midshipmen at the Naval Academy, who require 113 Professors and Teachers, and who already cost the Government, as has been estimated, \$17,000 each, as graduates, amounts of itself to the modest total of \$158,400 annually.

"4. Its effect, if adopted, would be to break up the Staff Corps of the Navy. Rather than be so wantonly degraded, every Staff officer who could possibly support his family out of the service would resign. Their places could not be easily filled, at least not by competent persons, at such rates of rank and pay, especially in the Medical Corps, in which, for several years past, owing to the already small inducements in those particulars, it has been found impossible to obtain Assistant Surgeons with the requisite character and professional ability."

This important Act, radically changing the whole Naval Organization, swept silently through the Senate. It affects the several Staff Corps most injuriously: to all of whom it is of deep concern, that, in that form at least, *if in any*, it should *not* pass the House. Of the Medical Corps, we may say that it is a case of "sink or swim, survive or perish." The iron heel of Line power is attempted to be fastened on their necks. They throw out a bait to the Medical Corps *at the beginning*, by creating a "Surgeon General, with the assimilated rank of Commodore:" and, as a counterpoise to this excess of generosity, "abolish the office of Chief of the Bureau of Medicine and Surgery," who, by law, "ranks with Commodore." Do they not here take away quite as

much as they give, under a change of name? Where, then, is the boon, in compensation for the degradation of all the rest of the Corps? The Chief of the Medical Bureau has had, from its establishment, the same rank and status as the other Bureaus. We learned of the passage of this Act by the Senate from a Line Officer, who thought to captivate us by the assurance that it created "*a Surgeon General*," which was all that he informed us of its provisions, as if that could commend any Bill, much less such a Bill. The Surgeons have never asked Congress to abolish the Medical Bureau; they have never asked for a Surgeon General, and do not want one on any terms, much less on such. Nobody doubts that this Bill was drawn up under the promptings of Line Officers. Why should they interfere to abolish *Staff* Bureaus, leaving their own untouched? The Surgeon Generaley is a shallow trick, and deceives nobody. It is a bribe offered to one Surgeon at the expense of the rest of his Corps. It does not hide the deformity of the Bill, which, we cannot doubt, will be hooted out of the House of Representatives next winter. It passed the Senate on the 16th March. Had it been presented sixteen days later, it might, had it not been too serious a matter for a jest, have been fittingly taken as a first of April joke; but, though sport to the Line, (and who among them will father it?) it is death to the Staff, sacrificing hundreds, at a swoop, to the Moloch of Line ambition, and recalling the days when

"Altars smoked, and hecatombs were paid."

If, as it has been said, the Bill passed the Senate without debate, may not this silence have been an "*in memoriam*" tribute to the Staff, and a *requiescat in pace* to the memory of departed worth?

What must be thought of such a Bill as this by the Board of Line Officers, who, in April, 1864, prepared, with great care, the table of "*Assimilated Rank*," the plan of which we have already so fully set forth, and which we have stated to be *based on the only principle which, in our opinion, is just to all the Officers of the Navy, viz: to equalize in rank those*

who are equal in age? And we, therefore, trust that whatever legislation Congress may have in store for us, in the coming winter, may be founded on a careful observance of the *principle* which that Board adopted. So anxious are we to have that *principle* kept constantly in view, that we are induced, at the risk of repetition, to recapitulate briefly, as follows, what we have before said in detail:

We have already remarked that the rank of *Commodore* was proposed for the *older Surgeons* of the Navy by a Board of Officers assembled in 1863, *two Rear-Admirals* composing a majority of the Board: and that, again, in April, 1864, another Board, *exclusively of Line Officers*, proposed the same rank for sundry *Senior Surgeons*. The latter Board, composed of two Captains and a Commander, since promoted, prepared a statement entitled, “Assimilated Rank of Officers of the U. S. Navy, proposed by the Board on Regulations, 1864.” The *principle* was to make Officers of the different Corps, who were presumed to be equal in age, equal also in rank, starting together at a given point, and stopping, for the Staff, at *Commodore*; promotion from grade to grade being concurrent in the different Corps. Thus, a Surgeon, at what age soever, was to equal in rank a Line Officer of the same age. This was *on the principle of twins keeping pace with each other*, the Medical Officer’s starting point being that which the Line Officer would have reached at the end of six years: the latter receiving a six years’ education in the Navy, the former out of it. This was a year less than should have been allowed to the Medical Officer for preparatory Studies. But the *principle* was, as we have said, the *only, just one*. Such being our view, we give *their Assimilation* in the *Appendix M*, asking for it a careful examination, as the most important document ever issued by the Line on the subject of Assimilated Rank. The rank then proposed, but never conferred, would, we presume, be accepted even at this late day; but nothing less. *The length of service principle is a very unfair one*; for it must be constantly borne in mind that the Medical Officer *cannot* enter the Navy till six or seven years later than the Line Officer. Hence, in order that

equal ages may be equal in rank, let the Medical Officer, at (we will suppose) 35 years from his *entering the Navy*, have the rank of Commodore: at 25 years the rank of Captain: at 15 years the rank of Commander: at 8 years the rank of Lieutenant Commander: and so on to the last grade of Medical Officers: date of commission in each grade determining relative precedence: and *no other precedence nor authority given to the "Executive Officer" than that which the date of his commission confers*. We have italicized this last as an indispensable condition, vital to any plan of rank that the Surgeons will accept. They would reject, as mockery, any degree of rank, how high soever, encumbered by this clog of the "Executive." They have borne it to the last degree of endurance, and must now shake it off, as (what the Line would consider, in their own case) a detestable nuisance. The Line Officers themselves regard it as a principle that precedence follows rank. The Report of the Line Officers, dated 19th February, 1858, so much quoted by us, contains, if such an one were needed, this conclusive statement, "*Precedence necessarily follows as a consequence of this rank*," a statement which, though made for another purpose, can find no more fitting application than in the connection in which we have placed it. We must adopt their rule, and, in so doing, adhere to the position, announced by Surgeons a quarter of a century ago, that "Commanding Officers, of whatever grade, shall always take precedence of all Medical Officers under their command; but, *among all other officers precedence shall be decided by date of commission*. The rank of Medical Officers shall not entitle them to command, nor control any Commission, nor Warrant Officer, other than Medical Officers, except in hospitals, or when on a sick report."

The full extracts that we have made from Line Writers, among them those who, in 1858, announced it to be, "to their mind, perfectly concordant with sound military deductions," that, "under no circumstances, ought any Staff Officer to be allowed rank over commissioned officers in the line of command," show that their only rule for assimilating rank was

“*length of service* ;” by which the Line Officer and the Medical Officer entering the Navy, one at 16 years, the other at 23, were to be assimilated in rank. Hence, whilst objecting *in toto* to Mr. Secretary Bancroft’s Order, in 1846, conferring rank on Medical Officers, a *definite* complaint against it was its departure from their “*length of service*” rule, in raising Surgeons to the rank of Commander after a *shorter term of service* than Line Officers. In a well-reasoned Article, entitled “*Remarks on Assimilated Rank in Military and Naval Communities*,” published, over the *nom de plume* of HOLGAZAN, in the *Messenger and Review* for July, 1846, the writer disposes of the *length of service* rule somewhat on this wise :

“The memorialists seem to think that length of service, or date of original entry into service, should be the basis for determining all rank, and conclude that the Medical Officer should have been as many years in the Navy *after he was 23 years old*, before ranking with a Commander, as the Line Officer *after he was 16 years old*, before becoming a Commander: in other words, that, because the latter was a certain number of years in the Navy, *after 16 years of age*, before attaining a given rank, the former ought to serve the same number of years in the Navy, *after 23 years of age*, before reaching the same rank; that is, that it is right that a Line Officer should have the *lineal rank* of Commander at 45 years of age, but improper for the Medical Officer to have the *Staff rank* of Commander before 52 years of age, *on the ground of length of service*. The ‘*length of service*’ objection, however, to Mr. Bancroft’s Order yields the whole question of Staff rank, reducing it from a question of *degree* to one of *time*, the *rank* of Commander at twenty years’ date of commission being no greater than at twelve years. Age of commission adds nothing to the *grade* nor *power* of its holder. [Pope has rhymed the same idea :

‘The blest to-day is as completely so,
As who began a thousand years ago.’]

“Date of commission gives *precedence only* of those who hold like commissions, of later date. Age does not change the *duties*, nor the *prerogatives*, of the commission, which are the same on the first day as on the last. If *time alone*

is to be made the measure by which to determine grade or rank, and duty corresponding to it, why has it been deemed necessary to have different commissions and grades for officers of the Line? Why have the commissions of Commander and of Captain? Why not let all remain Lieutenants, until *time* shall make the duties of their commissions different from what they were when first conferred? This would not answer; for experience has shown the necessity of different grades and different titles in military bodies. Each commission involves the discharge of duties peculiar to itself, which duties remain the same, without reference to the age of the commission. If lapse of time does not increase the *virtue*, nor change the *duties* of a commission in the Line, why should it be operative on Staff commissions? If time is to be operative, why not change the rank of a Staff commission, at fixed periods, from Lieutenant to Commander, from Commander to Captain, and from Captain to Commodore? If the principle be applicable at twenty years, it is applicable at twelve years, or at any period arbitrarily fixed.

“Promotion in the Navy from grade to grade has been very slow for nearly a quarter of a century. The length of time young men serve as midshipmen, and the number of years some have served as lieutenants, does not give them a claim, recognized by the Government, to promotion. Officers are never promoted because they have served any particular number of years; the only ground for advancing officers from a lower to a higher grade is the want, by the Government, of officers in such higher grade; or, where the number of each grade is limited by law, because there is a deficiency, a vacancy to be filled. Length of service, in itself, no matter how highly it may be esteemed, does not constitute an unquestionable claim to promotion. It does not follow, in the practice of the Government, that because A has been a lieutenant for ten, twenty, thirty, or forty years, he is to be promoted to be a commander, notwithstanding the number of commanders is sufficient for the purposes of the Government. Officers are *eligible* to promotion after a limited period of service; for example, midshipmen are eligible, after five years’ service, to be lieutenants; lieutenants, after two or three years’ sea-service, are eligible to be commanders; and commanders, after one or two years, are eligible to be captains in the Navy. But this eligibility avails nothing in promotion, unless officers of higher grade are needed. Seeing, then, that length of service has failed as an argument to advance officers of the Line, how can they

expect the same argument to be effective in the decision of the question of Staff rank? Length of service is not a conclusive reason for promoting, nor for degrading an officer. In a word, lapse of time, or length of service of officers of the line, is not an element for the decision of the question of Staff rank."

Hence, the writer justly concludes that the memorialists, in objecting to the "General Order" because it gave the Staff rank of Commander to Surgeons of 12 years' date of commission, instead of 20 years, did not change the nature of the objection, which, if valid for the shorter period, was valid for the longer also.

In requiring, as we have done, that, on the *principle* of equal age equal rank, the Medical Officer should have been 15 years in the Service before reaching the rank of Commander, &c., &c., we think that we have been more than just to the Line: we have been generous. Look into the Navy Register of 1846, the latest that Mr. Secretary Bancroft had before him when he wrote his so-much-complained-of Order giving to Surgeons of 12 years the rank of Commander. We find that the Junior Commander attained that rank when he was somewhat under 35 years of age, estimating the age of his entering the Navy at 16; whilst the Junior Surgeon, who ranked with Commander, was fully 35 years of age, estimating the age of his admission at 23. If 15 years, as we have suggested, instead of 12, had been then required, the Surgeon would have been three years older than the Commander before attaining his rank. The same advantage we have ceded to the Line in the ages that we have suggested for the Medical Officer's attaining the rank of Captain and of Commodore. We have, therefore, been generous to the Line, and have given them more than the "Board on Regulations" did, as will appear from examining their Table of Assimilation in the Appendix.

We have commended the *principle* of the plan proposed by the "Board on Regulations." Whether it be, *in its details*, such as we could approve, or adopt, we need not now inquire. It met (as the Board state in their Report) some approval.



and some opposition, from both Line and Staff. It is enough to say here that it was not adopted, and to add that nothing approaching it in justice has been offered since. We cannot, therefore, but suppose that most of the Staff *now* regret that it was not *then* adopted, perhaps with modifications, and *secured to them by law*. Such an approach, at least, to justice, doubtless astonished the Line by its excessive liberality, a virtue of which, till then, they had been wholly guiltless. It was like the Sun coming up from an Arctic winter, or coming out from its "dim eclipse" "behind the Moon," where it had "shed disastrous twilight."

One only fact remains to be stated to complete our history of Staff rank from 1812 to the present moment. We have said that the *relative* rank held by Staff Officers for the last six years was that conferred by a "General Order" of the Navy Department, dated the 13th March, 1863, which, as a *Regulation merely*, without the force of *Law*, was liable, at any time, to be rescinded. To prevent such a misfortune to the Staff Corps, they have repeatedly appealed to Congress to legalize it; but the Line have as often defeated their endeavors. Accordingly, under a recent opinion of the present Attorney General, declaring the "General Order" to be without the authority of *Law*, the Order was rescinded, on the 1st April last, by the Navy Department, in the subjoined "General Order," and the Staff Officers, thereby, virtually remitted to the status legalized by Congress in 1854:

GENERAL ORDER }
No. 120 }

NAVY DEPARTMENT,
WASHINGTON, April 1, 1869.

The Attorney General having advised the Department that Congress alone can fix the relative rank of Line and Staff Officers in the Navy, and the only officers whose relative rank has been thus legally established being those below mentioned, the order of March 13, 1863, and the Navy Regulations, Article II, paragraphs six to twenty-eight, (both inclusive,) are hereby revoked and annulled.

Surgeons of the Fleet, Paymasters of the Fleet, and Fleet Engineers; and Surgeons, Paymasters, and Chief Engineers of more than twelve years, rank with Commanders.

Surgeons, Paymasters, and Chief Engineers of less than

twelve years, and the Secretary of the Admiral, and the Secretary of the Vice-Admiral, rank with Lieutenants.

Passed Assistant Surgeons and First Assistant Engineers rank next after Lieutenants.

Assistant Surgeons, Assistant Paymasters, and Second Assistant Engineers rank next after Masters.

Third Assistant Engineers rank with Midshipmen.

The following is the letter from the Attorney General referred to above :

A. E. BORIE,
Secretary of the Navy.

The Attorney General's letter, above referred to, is given in the Appendix.

In order to complete our narrative of the History of Naval Staff Rank, and to unfold its Principles, we will *append*, conjointly with the opinion of the Attorney General, that of another eminent jurist, the Hon. Walter Jones, evoked by the *remonstrance*, or formal protest, presented, by certain Line Officers, to the Secretary of the Navy, against the "General Orders" then recently issued by Secretaries Bancroft and Mason, in 1846 and 1847, "conferring assimilated rank on the Surgeons and Purser's of the Navy." These two valuable documents, each of which may be supposed, from its high source, to be exhaustive of its side, will furnish to the reader probably the entire argument on this interesting question, which, under such conflict of opinion, renders any rank not conferred by Congress of uncertain tenure, and furnishes a conclusive reason why Congress should promptly place Staff rank *beyond contingency and peradventure*, and *secure permanently* to Staff Officers, as it has *always* done to the Line, that which so seriously affects the rights and privileges of them all. What is a right worth that can be, at any moment, taken away? The Surgeons held rank, for eight years, under Mr. Bancroft's Order, *by the feeble tenure* of Departmental Regulation, as, *by the same feeble tenure*, they subsequently held it, for six years, under the Order of the recent Honorable Secretary of the Navy. Congress has been repeatedly invoked by the Surgeons not to leave them thus unprotected : and every such appeal has been spied out by

the hawk-eyed Line, and opposed successfully to the bitter end. How long shall this state of things, which the Medical Officers all feel to be cruel injustice, continue to be endured? *Quousque tandem abutêre, Congressus, patientiâ nostrâ?* We shall again appeal in the ensuing winter, and, if then unsuccessful, will appeal again, and again, and again, till, in time, some Congress shall reverse the legislation of its predecessors, and give to us that tardy justice which the enlightened spirit of the age will, most assuredly, demand. The legislation, which shall show itself in harmony with that spirit, will be an honor to the legislators, of which they may be proud. Public opinion will, in the end, drag legislation after it; and this is our ground of hope; but it is a sure one.

As an important Bill is pending in Congress, seriously affecting the Medical Corps, we will here state, *summarily*, the *principles* which we believe to embody their wishes, generally, both as to what they want, and what they do not want.

SUMMARY.

The requirements of Medical Officers may be stated as follows:

As *glory and honor* pertain to the Commander, and *honor* usually alone to the Commanded,

THEY WANT

1st. Rank and Command to be considered as *separate entities*; a fact either not understood, or wilfully ignored.

2d. Equality with the Line in every particular *save the right to exercise lineal command*.

3d. Professional grades and titles indicative of length of service and rank.

4th. Promotion by seniority, as in the Line.

5th. Rank to correspond relatively to that of the Line, according to date of commission. *De facto* rank, as in the Army.

6th. The honors, immunities, and pay of their relative rank.

7th. The duties of each grade defined, as in the Line.

8th. Fleet Medical Officers to share in distribution of prize-money, as well as the Captain of the Fleet.

9th. As Medical Officers, the charge and management of Medical Affairs, (as in the Army,) under Commanding Officers and the Commander-in-Chief.

10th. Such legislation and rules as mark inferiority of profession rescinded. Restriction of "*Executive*" precedence and authority to cases in which the Medical Officer is junior in rank, and commission, as in the Army.

11th. Such legislation as will bring *able medical men into* the Service, instead of *driving them out*.

Finally. They want *discipline, subordination, harmony, peace, and good will*, which cannot exist so long as there is an *unjust application* of a special principle, with no *other motive than that of aristocratic class distinction*.

MEDICAL OFFICERS DO NOT WANT--

1st. Command ashore or afloat, except in the Medical Staff, and over those placed under the control of the Medical department of the Navy. They do *not* want (as is often falsely charged) "*Command of the Ship.*"

2d. High Staff rank on shipboard, nor Line titles.

3d. Rank without its honors and immunities. To find, after forty years' arduous service, no substantial improvement in position, nor exemption from the petty restrictions and details of early days aboard ship.

4th. To be entirely ignored by Congress in its legislation, and to realize any longer that advancement in the Navy belongs exclusively to the Line.

There is encouragement in the observation of Hume, who, in speaking of the disorders of the Feudal System, and of the darkness that overhung Europe at the beginning of the eleventh century, remarks: "But there is a point of depression, as well as of exaltation, from which human affairs naturally return in a contrary direction, and beyond which they seldom pass, either in their advancement or decline."

Even the "Apostate Angels" in their lost estate, took counsel of their hopes, and, "in the lowest deep," consulted how they might repair their loss :

" How overcome their dire calamity ;
What reinforcement they might gain from hope ;
If not, what resolution from despair."

We need not, then, retire from the conflict, though often foiled : for, whilst grieved by the humiliating picture of bitterness displayed by our opponents, we doubt not that it will work to our advantage, as an illustration of the narrow and ungenerous spirit with which we have to contend. Let us possess our souls in patience, waiting for the present ferment to subside, as an offence to the Nation. In the language of a member of our Corps, whose letter we have just now received :

" The fast rising and powerful divisions in the Line of the Navy will hereafter do our work for us. The party of just and liberal ideas will make our cause their own, against the bigoted, benighted, and repressive powers. We have no favors to ask, nor compromises to make. What we have asked we have asked, not from vanity, not for the possession of power, (for that we cannot exercise, if we would,) but in the interests of the Service and of justice. Betrayed, as we have been, by the Line, whose alliance we sought, and who assume to be the only exponents of all the interests of the Service, we now go alone to the National Legislators, unencumbered by their help. The discreditable tricks of our opponents are opening the eyes of Legislators, such as the mockery of giving a rank, and then nullifying it by making it give way before an 'Executive Officer,' who can *rightfully* exercise no *independent* authority over his superiors in rank, and who, consequently, can take no *rightful* precedence of them. With such an ever-operating restriction, on what possible occasions could rank ever avail? Is the Captain, holding all the power of the ship, insufficient to control the powerless Surgeon, Paymaster, and Engineer, for all purposes, legitimate or illegitimate, that he must need the help of the 'Executive Officer?' No such insult is perpetrated on the Staff Officers of the Army.

" Our opponents deceive themselves by the accidental failure of our Bill before the last Congress, who, as the debate showed, rejected only what they had not had opportunity

fully to investigate. We 'wot that through ignorance' they 'did this.' We were never stronger before the country than now. We represent the principle of progress against effete feudalism; and already the leading medical men of our cities are prepared to array the whole medical press of the country in our behalf."

It would be well for the Line to know, what probably they will be the last to know, that, in this country, quarter-deck logic and quarter-deck assumption are played out. They were played out, as we have seen, more than a third of a century ago, with Commodore Porter, a name which is synonymous with heroism, and which will live whilst Naval history shall endure. He has recorded, for the instruction of the Line, a lesson which is the richest legacy he could have left them, and which they will only consult their best interests if they are but wise enough to heed.

In a contest so long waged, and in such a cause, though against power and numbers, we look confidently for success; and we have faith in the *EX TORTU NIKA*, with *Piat justitia* inscribed on our *LABARUM*.



CONTENTS OF APPENDIX.

	PAGE.
A.—Reply to “Survey.”—April 9, 1868.....	135
B.—“ <i>Remonstrance</i> ” of certain Line Officers to Congress against a Bill to reorganize the Medical Department of the Navy, December 25, 1868.....	140
C.—Remarks on the “ <i>Remonstrance</i> .”—January, 1869.....	142
D.—Remarks on the Debate, on the above-mentioned Bill, in the House of Representatives, on the 6th and 7th January, 1869..	147
E.—Remarks on “The Grimes Navy Bill,” March 17, 1869.....	158
F.—Remarks on the Organization of the Navy Department, March 17, 1869.....	161
G.—The Navy Department; its Organization, and <i>civil</i> character, April 28, 1869	167
H.—Opinion of the Hon. F. R. Hoar, Attorney General, March 29, 1869.....	171
I.—Opinion of the Hon. Walter Jones, March 23, 1848.....	174
K.—1. <i>Abstract</i> of a <i>Memorial</i> to Congress, exhibiting the <i>Princi-</i> <i>ples</i> of “An Act to Reorganize and Increase the Efficiency of the Medical Department of the Navy,” introduced into the House of Representatives, January 6, 1869.....	184
2. <i>Reasons</i> in favor of the Act.....	186
3. <i>Abstract</i> of the <i>Act</i> , and <i>Tables of Rank</i>	188
L.—“Extracts from the Reports of the Chief of the Bureau of Medicine and Surgery, Navy Department, for 1863 and 1864”.....	195
M.—Table of “Assimilated Rank of Officers of the U. S. Navy, proposed by the Board (Line Officers) on Regulations, 1864”.....	210



APPENDIX.

[A.]

REPLY TO "SURVEY."

APRIL 9, 1868.

STAFF RANK IN THE NAVY.

A FRIEND has sent me an article extracted from the *Evening Post*, of the 15th ult., upon the subject of naval reorganization, which article is signed "Survey." [See page 3.]

The writer of that article makes such indiscreet, contemptuous, and offensive reference to the Staff Corps of the Navy, that it has been suggested that the entire article should be republished in *brochure*, as the best evidence of the need the Service and the Country alike have that the Staff Corps should be protected in their reasonable and proper claims of equality with other branches of the Service.

"Survey" admits, and also advocates, that which the Staff Corps have been charged with imagining or exaggerating, viz: the arrogance and presumption of those Line Officers who, misunderstanding the nature and purpose of military authority, regard its chief end to be their own personal benefit, and its best manifestation the humiliation of all officers who may be subject to their casual authority. It is true that this perverted view generally finds its promoters among the young and inexperienced, or among those of feeble and inefficient character; but it is against irresponsible persons, and against the foolish and vicious, that every society needs protection.

Your correspondent, "Survey," shows such a want of knowledge of the nature and usages of our own and other naval services, that it would be taking an unfair advantage to use his paper against those intelligent and experienced officers of the Line who admit that which all military experience proves, viz: not only the propriety, but the necessity, of a Staff rank, and of a high Staff rank. An adequate knowledge of the subject would show this creation of rank to be in the interests of proper subordination of grades, for its attractions would present an inducement to men, of such ability as the service ought to command, to relinquish the

independence and honors of civil life, and to submit themselves to the limitations and exactions of military discipline. Large-minded and far-seeing men of the Line see their own distinction increased by the elevation of the Staff Corps, for "it is nobler to be *the* lion among lions than *a* lion among apes."

Hence the most distinguished military leaders (including Napoleon I) have been emphatic in their testimony in favor of honoring and elevating the Staff Corps; and, hence, in the best organized and most efficient naval services, a high *de facto* rank is given to Staff Officers. Some of the most distinguished Line Officers of our own Navy recognize the same liberal and reasonable principle, and the late Admiral Foote in his day, when at the head of a Bureau of the Department, earnestly advocated the according to the Staff Corps the highest rank now asked by them, and he did so simply for the good of the Service.

But if the spirit and views of your correspondent, "Survey," shall control in our naval Service, no one of the least self-respect will consent to enter it as a Staff Officer; and it is worth considering, therefore, whether the respectability of the whole Service is not diminished by the degradation of the Staff Corps.

"Survey" seems to write under the impression that the "Line" Navy is a close corporation, instead of the Navy as a whole being an institution of several parts, combined for the service of a common and acknowledged superior, (the Country.) As a consequence of "Survey's" delusion, we have the following extraordinary language, (quoted from him :) "Now, the Line has already conceded to the Staff a uniform and assimilated rank amply sufficient to give them a highly respectable social position, and for the performance of their duties: but they look upon their assumption of '*de facto* rank' as an insult to the Naval Profession." "No Executive Officer would refuse them liberty occasionally, or deny them a boat or other indulgence, provided he found Staff Officers more amenable to his authority." Again, we have this private property idea of the "Line" expressed in the phrase "Navy proper," as that term is used in contemptuous contrast to such other (and very essential) elements of the Navy as "engineers," "pursers," "doctors," and "parsons." Out of the Navy these last-named individuals are considered as somewhat respectable and influential in society, quite as much so as Naval Officers of any rank: and it is quite doubtful whether gentlemen in civil

life, pursuing the professions of "engineers, doctors, parsons, and lawyers," will consider themselves as holding "highly respectable social positions" by reason of either the condescension or concession of Line Officers of the Navy.

It is clear that the "Line" has, in its own judgment, condescended from some airy point or elevation, to patronize "doctors," "parsons," "lawyers," "engineers," &c.: but what this point of elevation is does not seem so clear. Can it be that in our Navy commons and courtiers are created by the accidental contacts of the Service? Does "the toe of the peasant come so near the heel of the courtier that it galls his kibe?" Perhaps the secret of the condescension of the Line lies here—that, owing all they possess to the influence, exerted in their behalf, of some members of the very professions which they would degrade, they want to cancel the obligation of "original appointments" by returns of insult and base ingratitude.

It is, I suspect, new to the whole Service that such rank as the Staff enjoys has been conceded to it by the Line. The impression is that it exists by act of Congress, and regulation of the Navy Department. This newly-asserted sovereign source of honor has not been heretofore suspected. That your correspondent, "Survey," does not take into consideration the supreme authority which created, or rather adopted from other sources, the Staff rank now existing in our Navy, may be an apology for the insubordinate and rebellious statement made by him, that "every Line Officer knows, from the moment he enters the Naval Academy, that the so-called rank of the Staff is, and always must be, a myth—no one attaches the slightest value to it."

So the "ample rank" and "sufficient respectability" so graciously conceded to us by the Line dont amount to much after all. It is a free and liberal gift of nothing, for which we are expected to be thankful.

It will much surprise our law-abiding people to learn that such are the teachings of the Naval Academy, viz: disrespect and insubordination to the highest legislative and executive authorities of the nation—authorities which every officer has taken an oath to obey, but which oath is to be violated, and the laws of his country set aside, when not approved by any subordinate member of the "Navy proper," who, while thus flagrantly insubordinate, is terribly fearful that "Staff rank" will offend naval discipline. There will be some unhappy wrecks upon these rocks of rebellion and violated oaths; and, if the Naval Academy teaches such dis-

cipline and such morality, there is great reason for its abolition.

It is a duty to defend the absent ; and an acquaintance of over thirty years with Admiral Farragut (with some service under his command) renders it proper that I should defend him from the following depreciatory remark, viz : " It will be a gratuitous insult to our noble Farragut and other sea heroes to bestow upon men whose duties are not absolutely essential, and who run no great risk or exposure, the honorable distinctions which alone belong to the 'Navy proper,' " (so styled.) That "Navy proper" is an insatiably omnivorous creature : it eats up law, rights, honors, and leaves nothing for that Navy which is not "proper." I think, however, that our hero, the Admiral, and the world, which is honoring him, could they hear and value the opinions of your correspondent, "Survey," would be astounded at the suggestion that Farragut's glorious brilliancy of fame would be dimmed and blurred by appropriate honors conferred upon Officers of the Staff Corps, who have in their own departments earned the same distinctions he has achieved in his. While the general tenor of your correspondent "Survey's" letter has been a source of amusement to most, if not all, who have read it, there is one taint to which I refer with pain. All truly chivalric men feel it to be a duty to honor and to exalt, and not to depreciate, the memory of the brave dead. Yet this exclusive "Navy proper" man would throw the veil of oblivion over the memories of brother officers who fell in defence of our flag. If of the Navy, "Survey" must know that five Medical Officers of the regular service lost their lives in battle in the late war ; the number of regular Commissioned Line Officers lost being nineteen ; and yet "Survey" sneeringly intimates that they "run no great risk or exposure," an assertion implying either a misstatement or entire ignorance as to shipboard life and naval warfare.

I have the honor of an acquaintance with most of the "other sea heroes," referred to by your correspondent, and who earned honorable distinction in the war. I have the pleasure of the friendship of some of them, and the satisfaction of knowing that they do not share the sensitiveness of "Survey" in regard to their reputation : that they do not agree with him that the Staff Corps are "not essential," or that the members of those corps run less risk and exposure than other officers on shipboard. Hence, all the sentence, baptized with the noble name of Farragut, has no value or significance, except in that name.

To rescue the Naval Service from the injury such publications as "Survey's" may do it is my reason for troubling you so far. The service has much more to lose than gain by an illiberal and unjust course towards the Staff Corps. It is true, many in the Service may be compelled to sustain the annoyance, but it must be considered that Staff Officers enter the Navy upon their own merits, and by reason of acquirements they have procured for themselves; and that any person, fitted to discharge the duties of a Staff Officer, has the ability, and the character, to secure independence out of the Naval Service.

At present there is a large number of vacancies in the Medical Corps. The Government has made every effort, but in vain, to fill them; and, when recently a Medical Professor announced to the graduating class that a Naval Board of Examiners was in session, the announcement was received with hoots of derision.

If the ideas and views expressed by "Survey" are those of the Line generally, no one of any self-respect would, or should, enter its Staff Corps. It is doubtful whether those who are willing to accept contumely and degradation for daily bread will be capable of promoting the public interest, or of adding to the honor and renown of the Navy. It is certain the Government cannot expect to obtain officers of suitable abilities by offering official humiliation for existing and assured respectability in civil life.

[B.]

“REMONSTRANCE” OF CERTAIN LINE OFFICERS TO CONGRESS AGAINST A BILL TO REORGANIZE THE MEDICAL DEPARTMENT OF THE NAVY, DECEMBER 25, 1868.

READ IN THE SENATE JANUARY 7, 1869.

Mr. FESSENDEN. I also present the *remonstrance* of Joseph Lamman, Rear-Admiral, and several Captains, Commanders, Lieutenants, &c., in the Navy, earnestly remonstrating against the passage of a Bill now pending to reorganize and increase the efficiency of the Medical Department of the Navy, and giving their reasons, not at great length, but succinctly. I should like, before this memorial is referred to the Committee on Naval Affairs, to whom it should go, to have it read for the information of the Senate, and more particularly as the Bill is now pending in the other House, with a view to have the contents understood. If there is no objection, I should like to have it read at the desk.

The PRESIDENT *pro tempore*. The memorial will be read if there be no objection.

The Chief Clerk read as follows:

“UNITED STATES NAVAL STATION,
PORTSMOUTH, N. H., December 25, 1868.

“*To the Senate and House of Representatives of the United States of America in Congress assembled:*

“We, the undersigned, Line Officers of the United States Navy, respectfully beg leave to represent to your honorable body that we have seen the proposed Bill to reorganize and increase the efficiency of the Medical Department of the Navy; that we also understand it to be asserted by the Surgeons that this bill has the approval and support of ‘all the sensible Line Officers;’ but that, on the contrary, in our opinion, the measure is altogether objectionable, and opposed to the best interests of the service.

“To any one familiar with the history of previous and similar attempts on the part of the Staff Officers of the Navy, it cannot be surprising to find these gentlemen once more advancing their exaggerated pretensions, and demanding an inordinate rank for their own personal aggrandizement, apparently either ignorant or regardless of the injury done to the Service generally. But hitherto, although the various General Orders and enactments procured by them on this subject have not met with our approval, it has not seemed necessary to us that our opinion should be formally expressed; and had it not been claimed to be the exact reverse of what it is in the present instance, we should probably

have remained silent, as heretofore. We simply cannot allow the assertion to pass current by any default of our own.

“With regard to the merely personal aspect of the question, the persistent encroachments of the Staff Corps have always proceeded upon the assumption that rank is of supreme importance to them, but have wholly ignored the fact that the Line have an equal interest in the decision, inasmuch as the value of any distinction is necessarily lessened by every addition to the number of those who enjoy it.

“But we object to the proposed Bill upon much higher grounds than these, namely, because it will seriously impair the discipline, the efficiency, and the harmony of the Navy; it creates an additional expense at a time when the energies of all should be directed to an opposite result; it gives positive instead of assimilated rank, (which alone should ever be conceded,) and does this in a degree which is absurdly out of all proportion to their duties or to the requirements of the Service. It is an insidious effort to exempt a department from the legitimate and necessary authority and control of the Line, and it aims at an invasion of the cabin by a crowd of Staff Officers, which ought never to be permitted.

“We thereupon pray that your honorable body will not pass the proposed or any similar Bill without first satisfying yourselves that we are mistaken in the amount of support given to it by Line Officers, and also that the Bill itself is better entitled to that support than we believe it to be.

“JOSEPH LANMAN,
“Rear-Admiral United States Navy,
“And other Naval Officers.”

The memorial was referred to the Committee on Naval Affairs.

[C.]

REMARKS ON THE "REMONSTRANCE."

JANUARY, 1869.

REORGANIZATION OF THE MEDICAL DEPARTMENT OF THE NAVY.

MESSRS. EDITORS: Will you be pleased to publish the "*accompanying letter*," acknowledging the receipt of a copy of the *Globe* of the 8th instant, containing "The remonstrance of Joseph Lanman, Rear-Admiral, and several Captains, Commanders, Lieutenants, &c., in the Navy, earnestly remonstrating against the passage of a Bill now pending to reorganize and increase the efficiency of the Medical Department of the Navy," presented in the Senate by Mr. Fessenden, on the 7th.

But for the imputation of unworthy motives to the Corps, of which I am a member, I should say nothing of the "remonstrance," nor question the propriety of the memorialists in making it, for the reason assigned, or any other. If they thought "the measure altogether objectionable, and opposed to the best interests of the service," it was proper that they should say so, particularly as other Line Officers had expressed to Surgeons an opposite opinion, among them Admiral Farragut, in the two subjoined letters.

In the debate in the House of Representatives, January 6th, Mr. Stevens, of the Naval Committee, remarked:

"I desire, Mr. Speaker, at this time, to sustain the principles and the features of this Bill by the highest authority which I can bring before this House, and that is a letter from the grand old hero, Admiral Farragut, which has been placed in my hands this morning, and which exhibits in that brave and distinguished officer of the Line a sense of justice as broad and ample as his hard-earned fame and glory. I will ask the Clerk to read first an original letter from Admiral Farragut, and then a certified copy of a letter, both recommending the principle of this Bill to the favorable consideration of Congress, and recognizing plainly and fully the propriety of its details."

The Clerk read as follows:

"113 EAST THIRTY-SIXTH STREET,

"NEW YORK, January 2, 1869.

"MY DEAR DOCTOR: I have read with great care the Bill entitled 'An Act to reorganize and increase the efficiency of the Medical De-

partment of the Navy,' and, as far as I have been able to discover, it appears to be drawn up in a spirit of fairness and justice to all, and affords to the higher Officers of the Medical Corps employment on shore after having obtained a certain grade. I do not hesitate to say that I approve of the principal features of the Bill, but would insert in the third section, which refers to the employment of the different grades, 'except in time of war,' when all Officers should be available for sea or other service, at the discretion of the Department.

"I am, very truly, yours,

"D. G. FARRAGUT, *Admiral*.

"Surgeon JAMES C. PALMER, *United States Navy*."

"NEW YORK, December 31, 1868.

"MY DEAR DOCTOR: I have carefully read over the Bill 'for the re-organization of the Medical Corps of the Navy,' making higher grades, &c., and I find no objections, except that in time of war all persons should be available for duty, only retaining their relative rank in their own Corps. Without this clause the service of some of the most efficient Medical Officers might be lost to the Government when most essential. I am aware that such might not be the case, as they would no doubt volunteer; but, while legislating, it is best to provide for it on the face of the Bill, although I am happy to say, that, from my own experience, war is the time when I have always found the Medical Officers ready and willing to do their duty, without regard to the personal risk, and it gives me special pleasure to refer to your ease in Mobile bay, where you, in the little Loyall, carried my orders around the fleet for the ships to run the ram Tennessee down, which you did with cheerfulness and alacrity.

"I sent the other note to accompany the Bill, and this only to explain the objection to leaving the war clause out.

"Very truly, yours,

"D. G. FARRAGUT, *Admiral*.

"Surgeon JAMES C. PALMER, *United States Navy*."

"The above is a correct copy.

"J. B. TAYLOR,

"Surgeon *United States Navy*."
G.

The following is the "*accompanying letter*," alluded to above, received from G's correspondent:

"Accept my thanks for the *Globe* received this morning.

"I am very sorry to see manifested by Admiral Joseph Lanman, and some other Officers of the Line of the Navy, sentiments which are far from creditable to their discernment, intelligence, or fraternal feelings: and, although the memorial contains no argument, it will, no doubt, influence the

opinions of legislators, especially of those who are very slightly, if at all, interested in the question it opposes.

“The memorialists assert, in general terms, that the proposed measure is adverse to the ‘best interests of the Service,’ but without indicating what, in their opinion, those interests are.

“In the second paragraph, Congress is told that the pretensions of the Staff are exaggerated, and that they seek ‘an inordinate rank for their own personal aggrandizement,’ and in this way are ‘regardless of the injury done to the Service generally.’ If these charges are true, they are serious: but as they are not sustained by even the formality of a specification or illustration of the nature of the injury which the measure will inflict upon ‘the Line,’ which is synonymous with the term, ‘the Service,’ in the construction given by all who concur with the memorialists, they may be declared to be without foundation in truth. On the contrary, the measure must favorably influence the condition of the Naval Service, for, while it abates nothing from the legitimate authority, rank, or pay of ‘the Line,’ or of those of the Staff, it is calculated to restore harmony by settling a too-long vexed question. It will benefit all who, while on duty, afloat, or on shore, may be sick or hurt, by attracting to the Medical Staff, and retaining in it, some of the best qualified members of the Medical Profession, and thus securing reliable and skilled assistance at all times for officers and men in the Navy prostrated by wounds or disease. So unpopular now in the Medical Profession of the United States is the Navy, and so little attractive, that there are more than fifty vacancies in the Naval Medical Staff, and very few candidates respectably qualified to fill them.

“The arrogant tone of the memorial is not calculated to allure young and well-educated medical men to enter or join a community in which they are to be held without any merits or rights which Officers of the Line are bound to recognize or respect on the same principles that those of the Staff are bound to applaud the merits and respect the rights of Officers of the Line—that is, arbitrary statutes, and the arbitrary habits which inure to men who conceive themselves to be possessed of a lawful right to exercise unlimited power over all placed within the bounds of their command. Where such a conception has practical existence with one class, in a community composed of several classes, it seems to be no more than just that the powerless classes should be shielded by arbitrary statutes from the effects of any aggressive dis-

position manifested by those in authority towards those who are now without even the power of self-defence in a lawful manner.

•• Men who derive their official authority from the same source of power, and upon whom are equally imposed the same kind of obedience, modes of acting and thinking, as well as the same character of costume, while exposed to the same perils and vicissitudes of life, are very apt to aspire to the same kind of remuneration for their services, and to appreciate in the same manner the forms of distinction customarily awarded to the strongest class of their community, although the same men differently circumstanced would consider them utterly valueless. The Medical Man in the Navy, from experience and association, learns the value of rank — that is, a definite position relatively to every other person in the military service: but, placed in the House of Representatives, or in the Senate of the United States, Naval rank in his eyes has no value whatever. No Senator or member of the House, or lawyer, statesman, or scientist, in his career, labors assiduously in his vocation in hopes of winning for his reward a legal right to be of the same rank as a Commodore, or even of a Rear-Admiral or Admiral in the Navy. A distinction of this nature to a man out of the Naval Service is simply worthless, or, perhaps, absurd; but in it, so highly prized is rank, that Officers of the Line have been heard to assert, in most emphatic terms, that they would die in defending its rights.

•• But Officers of the Medical Staff, as well as those of other Staff Corps, have learned from 'the Line' to appreciate the value of rank in the Navy; and they have also learned, from some other source, however, to believe implicitly that merits of all kinds are brothers, and, in the same community or organization, are equally entitled to rewards, and distinctions of the same nature. Their faith in this doctrine is so firm that it cannot be shaken by the assumption that 'the Line' is the whole Navy, and that to it exclusively belong all the merits, all the distinctions, and all the rewards, as well as all the honors and glory won by the joint efforts of men who, though not of the Line, are recognized nevertheless to be honest, intelligent, skilful, brave and patriotic. But, in preferring their own claims, they wish not to disparage others in any degree. They cheerfully recognize the merits of the Line, and rejoice that its efforts, aided by the Staff, have deservedly won reward and public approbation.

“In the third paragraph of the memorial, it is asserted that the giving of rank to the Staff of the Navy interests the Line only, because ‘the value of any distinction is necessarily lessened by every addition to the number of those who enjoy it.’ Although the assertion may be true in itself, its application in the premises is fallacious.

“The grades of Line Officers included in naval organization were not created as modes of distinction of the officers, but to classify, and define, and designate, in a general way, the kinds of duty and degrees of responsibility belonging to each class; the relative position or rank in the grade is to some extent the measure of the officer’s relative degree of authority. The grade of Commodore or of Rear-Admiral is respectable, independently of the number in the grade. Rear-Admiral Joseph Lanman would be no more respectable as the only Rear-Admiral in the Navy than he is now, being one of the six-and-twenty of the title. Nor would he be less distinguished than he is were he in a grade of one hundred Rear-Admirals. If the numbers in a grade really constitute a sliding scale of merit or distinction, and this sort of distinction alone is satisfactory, then, for the sake of Farragut’s fame, none should be so ungenerous as to be willing, even in thought, to aspire to the grade of Admiral. Yet I venture to suppose that not one of the Rear-Admirals on the Active or Reserved Lists would decline to be placed in the grade of Admiral because such association might dim Farragut’s renown.

“The memorialists seem to forget that the grades of Admiral and Vice-Admiral were created for no other purpose than to distinguish—to recognize the transcendent merits of the gentlemen selected to fill them.

“The fourth paragraph of the memorial is a tissue of mere assertion of opinion, unsustained by argument of any kind. The opinion is erroneous, and without truth in every particular, measured by my experience. ‘Invasion of the cabin by a crowd of Staff Officers,’ and an effort to escape from obedience of legitimate orders, are alleged to be enveloped in the measure proposed to reorganize the Medical Department.

“The aristocratic sentiment lies at the bottom of these objections; and this aristocracy is as insincere as aristocracy always is, while contending against right and justice to maintain exclusive advantages and privileges. The professed spirit of brotherhood, which, individual Line Officers declare, exists for those of the Staff, flies away when they would be benefited by its countenance or support.”

[D.]

REMARKS ON THE DEBATE ON THE ABOVE-MENTIONED
BILL, IN THE HOUSE OF REPRESENTATIVES, ON THE
6TH AND 7TH JANUARY, 1869.

JANUARY, 1869.

REORGANIZATION OF THE NAVY MEDICAL DEPARTMENT.

RECENTLY an effort was made in the House of Representatives of the United States to enact a law to reorganize and increase the efficiency of the Medical Department of the Navy. The measure had been before the Naval Committee during a year, and had been frequently and carefully considered, and had 'the unanimous approbation of the Committee.' It was discussed in the House by members of the Naval Committee and others, and then laid on the table by a vote of 93 to 53, (75 not voting,) and nailed down fast by the parliamentary hammer, made of a motion to lay on the table a motion to reconsider.

Yet we may study the debate, and possibly acquire some information. No one of the gentlemen who spoke on the occasion seemed to be master of the subject in its details, and their general and reciprocal relations.

Medical service in the Navy, as well as in the Army, has become so little acceptable to medical men of the United States, that, in spite of all the pains taken by the Navy Department to fill the Medical Corps with men competent to practise medicine and surgery with safety to their patients, there are more than fifty vacancies in it, and few candidates offering to fill them. The cause of this wide-spread unpopularity of a service, which was at one period sought by young medical men suitably qualified, is ascribed to a failure on the part of the Government to recognize the meritorious services of medical officers during the rebellion, in a manner analogous to its mode of recognition of such services in the Line, by promotion; to the want of a law to establish a rank for Medical Officers in the Navy—that is, a definite position, relatively to others, in a community or organization, in which the principal members have a position defined by law: and last, though not least, inadequate compensation. The Officers of the Line, those upon whom the management

and command of ships and their crews devolve, are divided into classes, which are technically called grades. To each grade belong peculiar duties and responsibilities; and the position of each officer relatively to others of the grade, (as well as of the Corps,) is termed his rank. The duty peculiar to the three grades of Admiral is to command fleets or squadrons; the duty of those named Commodore, Captain, and Commander, is to command first, second, and third-rate ships, and that of Lieutenant Commanders, Lieutenants, Masters, and Ensigns, is to "keep watch," and to execute in detail the orders of the officers set over them in command by a common superior. It must be apparent from this brief description of the organization that the Officers of the Line, from the lowest to the highest grade, are accustomed to exercise authority over inferiors, and to obey those whom they recognize to be their legal superiors. The effect of a professional habit of this kind, proper as it is in itself in every respect, is to create an undefined opinion, especially with the less thoughtful men, that the Line really constitutes the whole Navy.

Those of the Line seem to forget in some manner or degree that the efficiency of their own services is essentially dependent on the labors of those appointed, under the style of Staff Officers, for them to lean upon for support; these Staff Officers constitute the secondary branch of the naval service. Unassisted by the technical knowledge and skill of the Steam Engineers, the Paymasters to supply pay and provisions, the Medical Officers to care for them when sick or hurt, and Chaplains to afford instruction and consolation in the dark hours, the Line, with all its universally acknowledged merits, could not have achieved the naval glory it has set around our flag. The glory is the fruit of the common labors of both Line and Staff.

As the Line is unquestionably the primary branch of naval organization, its Officers necessarily occupy the most responsible and conspicuous positions in every naval enterprise. It is natural that they should regard unfavorably any proposition which, in their conjectures or estimation, might possibly take from them this great advantage, and that they should be sensitively jealous of any effort of the Staff Officers to be placed legally on a par with themselves, even in a proximate degree.

As long ago as the days when Paul Hamilton was Secretary of the Navy, (March, 1812,) the question of assigning rank to Medical Officers in the Navy was discussed, and recom-

mended in 1816, as may be seen in the State papers of the period, volume for Naval Affairs ; and from that day to this it has been a mooted question, often hotly discussed on both sides, and frequently to the detriment of the harmony and brotherhood which should always characterize the service, because these are important elements of efficiency in every military organization.

In order to attract to the Service, and retain in it, Medical men fully competent to care for the sick and wounded under all circumstances, the measure so summarily disposed of in the House was devised. It consisted of four sections. The first provided for the appointment of a Chief of the Bureau of Medicine and Surgery in the Navy Department ; the second classed the Surgeons now in the Navy in four grades, styled Medical Directors, with the rank of Commodore ; Medical Inspectors, with the rank of Captain ; Deputy Medical Inspectors, with the rank of Commander, and Surgeons, with the rank of Lieutenant-Commander ; and Passed Assistant Surgeons, with the rank of Lieutenant, and Assistant Surgeons, with the rank of Master, giving, also, the pay and emoluments of the several degrees of rank. In other words, the Medical Staff was classed in grades corresponding to the grades of the Line. The third section defined the duties of each grade, after the manner that the duties of the grades of the Line are defined ; and the fourth section prescribed the mode of promotion of Medical Officers on both the active and retired lists. And it was stipulated in the Bill " that no Medical Officer shall, in virtue of his rank, exercise command or authority in the Line of the Navy, or in any Staff Corps belonging thereto, except in the Medical Staff, and over those placed under the control of the Medical Department of the naval Service."

This Bill was designed, not to confer marks of distinction or favors on Medical men, or as a token of appreciation of their services in the war, but to supply, if possible, to the Navy a full Corps of properly qualified Medical Officers, for the common good of those Officers, Seamen, and Marines, who, while serving on board public ships, may need the aid of Surgeons or Physicians of reliable ability.

It had the sanction of the Navy Department, the unanimous approbation of the Naval Committee of the House of Representatives, and the support of the foremost Admiral of all the World. Mr. Stevens, of the Naval Committee, in advocating the measure, caused to be read to the House the following letters " from the grand old hero, Admiral Farra-

gut," which exhibit "in that brave and distinguished Officer of the Line a sense of justice as broad and ample as his hard earned fame and glory:"

"113 EAST THIRTY-SIXTH STREET, N. Y.,

"January 2, 1869.

"MY DEAR DOCTOR—I have read with great care the bill entitled 'An Act to reorganize and increase the efficiency of the Medical Department of the Navy,' and, as far as I have been able to discover, it appears to be drawn up in a spirit of fairness and justice to all, and affords to the higher officers of the Medical Corps employment on shore after having obtained a certain grade. I do not hesitate to say that I approve of the principal features of the bill, but would insert in the third section, which refers to the employment of the different grades, 'except in time of war,' when all officers should be available for sea or other service, at the discretion of the Department.

"I am, very truly, yours,

"D. G. FARRAGUT, *Admiral*.

"Surgeon JAMES C. PALMER, *United States Navy*."

"NEW YORK, December 31, 1868.

"MY DEAR DOCTOR—I have carefully read over the Bill 'for the reorganization of the Medical Corps of the Navy,' making higher grades, &c., and I find no objections, except that in time of war all persons should be available for duty, only retaining their relative rank in their own corps. Without this clause, the service of some of the most efficient Medical Officers might be lost to the Government when most essential. I am aware that such might not be the case, as they would no doubt volunteer; but, while legislating, it is best to provide for it on the face of the Bill, although I am happy to say that, from my own experience, war is the time when I have always found the Medical Officers ready and willing to do their duty, without regard to personal risk, and it gives me special pleasure to refer to your case in Mobile bay, where you, in the little *Loyall*, carried my orders around the fleet for the ships to run the ram *Tennessee* down, which you did with cheerfulness and alacrity.

I sent the other note to accompany the bill, and this only to explain the objection to leaving the war clause out.

"Very truly yours,

"D. G. FARRAGUT, *Admiral*.

"Surgeon JAMES C. PALMER, *U. S. Navy*."

Many Line Officers concurred in the views expressed by Admiral Farragut, and many also dissented, as is manifest in a remonstrance, signed by Rear-Admiral Lanman, and other gentlemen of the Line, which was presented to the Senate by Mr. Fessenden while the Bill in question was pending in the House. This remonstrance charges that

“the measure is altogether objectionable;” that in it the Staff Officers “are seeking their own personal aggrandizement”—a very common aspiration of men in every vocation: and that, while urging the supreme importance of rank to themselves, “they have wholly ignored the fact that the Line (Officers) have an equal interest in the decision, inasmuch as the value of any distinction is necessarily lessened by every addition to the number of those who enjoy it.”

The cogency of this argument, which seems to be the only one offered, is not perceived. Even if rank were merely a mode of distinction, as the sentence implies, there would be something of injustice in withholding it from any who merit it for the sake of enhancing its value to those who already possess it. Such practice would be analogous to the policy ascribed to the Dutch, of burning a half of the spice crop in their East Indian possessions in order to augment and maintain the price of what remained. The assumption is fallacious, and is without logical application here. It will be very difficult to demonstrate that there is more distinction in being one of twenty-five Commodores under sixty-two years of age, than in being one of the fifty-six who exceed that period of life.

The Bill failed to pass owing to the want of general interest in the subject, and to a lack in the House of precise knowledge of the details of naval organization, rather than to a want of sound opinion in its favor.

One course of argument against the bill was, substantially, that a Commodore in the Line of the Navy, and a Brigadier General in the Line of the Army, are officially equals, because, in a general sense, their duties are analogous.

This is an error, and arises from the fact that, until the year 1862, the title of Commodore was used to designate a Captain of the Navy while in command of a Squadron of two or more vessels, a brace or brigade of ships. Inasmuch as a Brigadier is the title of an Officer in the Line of the Army who commands a brace of regiments or more, the official positions of the Brigadier and Commodore were analogous. But, since the reorganization of the Naval Line, in which the title of Commodore designates an Officer eligible to command only a single vessel of the first rate, this analogy ceases. The Navy Register shows that we have on the Active List of the Navy twenty-five Commodores, and thirty-five “first-rate” vessels to be commanded by them. There are fifty-six Commodores on the Retired List, because they have lived more than sixty-two years, or have become inva-

lids in the service, and are, therefore, not employed afloat. The aggregate of Commodores is eighty-one, and not ninety-nine or one hundred, as stated in the debate. The bill does not increase the number of the Commodores, nor does it propose to make twelve Surgeons the official equals of the Commodores, or to employ any Medical Officer of the rank of Commodore afloat, or beyond the strict limits of his professional sphere. Under the provisions of this Bill, official conflict between those of the Line and of the Medical Staff is impossible.

As there are thirty-five appropriate and distinct commands for the twenty-five Commodores, it does not follow that there are more Commodores than are needed, because thirteen Brigadier Generals are enough in an army of fifty thousand men, as was seriously argued in the debate. It seems to be assumed that a relative rank was established between the grades of the Army and Navy that they might officially interchange one with another in case of need—that a Commodore might command two or three regiments on shore, while the Brigadier General might take command of a first-rate ship afloat. And on some such vague assumption it was gravely objected that “this Bill gives the rank of Brigadier General to twelve Medical Officers of the Navy, whereas there are in the whole Line and Staff of the Army only thirteen.” The Army and Navy constitute the military establishment of the nation, but their respective organizations are very different in detail, though analogous in a general way. The number of Brigadier Generals sufficient for an army of twenty-six regiments cannot be accepted as the measure of the number of Commodores sufficient for a Navy containing thirty-five first-rate ships, nor can it be supposed that because 8,500 enlisted men are enough for the naval peace establishment, the same, or any other number of enlisted men, is enough for the Army in time of peace. The requirements of the Navy do not gauge the requirements of the Army, or the reverse. From such a course of reasoning just conclusions cannot be reached, although it effectually defeated the bill.

Another line of argument was based on pecuniary grounds. One gentleman asserted that the passage of this Bill would increase the cost of the Corps of Surgeons \$40,000 a year, and ultimately lead to an increased expense of \$120,000, because the other Staff Corps must be placed on the same footing as the Surgeons. Another declared the expense would not exceed \$2,000, and a third not more than \$1,600 a year on account of the Surgeons.

If all the grades proposed were "waiting orders," the aggregate annual cost would be just \$1,000 less than in the present organization. If all were employed at sea, as proposed by the Bill, the aggregate annual cost would be \$3,000 less than it would be under the present law; but if all were under the shore-duty rate of pay provided in the Bill, the aggregate would be greater than it would be under the existing law. These results are from computation of the rates of pay given in the Navy Register, and they imply that, as the numbers of those waiting orders and employed ashore and afloat are irregular and unequal, the average annual increase of the aggregate cost would probably not exceed \$1,000.

The grades of Assistant Surgeon were not included in the calculation.

The defeated measure would have settled the long mooted question of the rank of Medical Officers, brought a very small increase of pay to some Surgeons, and small decrease to others, so that the aggregate cost of the Corps of Surgeons would have been very little, if any, more than it is now. But the pay of the Assistant Surgeon would be advanced from \$800 to \$960 on shore; and computing 310 working days in the year, his daily pay would be augmented from \$2.58 to \$3.09, which is on an average about one-fourth less than the daily wages of laboring mechanics in the chief cities; the pay at sea would be increased \$250 a year, that is, from \$1,250 to \$1,500.

The rates of pay of Assistant Surgeons were established prior to the rebellion, and are now at least a third less valuable than when paid in gold, without considering the general advance of prices for all necessities beyond the gold standard.

It seems, however, that young Physicians, adequately qualified to be entrusted to protect the lives of officers and men at sea from the effects of diseases or wounds, find a professional career in civil life has a better pecuniary commencement than \$800 a year in currency—the same pay as a Midshipman—and, in the long run, much brighter prospects than naval life offers; and hence there are no suitably qualified candidates to fill the vacancies. The Navy Register shows that ten Medical Officers resigned and six died during the year 1868, leaving more than fifty places to be filled.

During the debate, it was asked how many Squadrons are maintained, but no member of the House answered.

One gentleman believed that Midshipmen are "Wardroom

Officers until they get the position of Lieutenant Commanders, when they enjoy their several rooms." Another "never heard of these great complaints of putting a Surgeon in the Wardroom;" expressions which manifest a total want of knowledge on the subject.

One very intelligent gentleman, watchful as Cerberus, scouted the idea of conferring a fixed position or rank "on subordinates, who are mere adjuncts of the Navy, whose responsibilities are departmental and particular, and which are covered altogether by the responsibilities of their Commander and principal." "The Captain of a man-of-war cares for and controls the Surgeon, and his sick, and his medicines: who is responsible for the Paymaster himself, as well as his money-chest," (the bondsmen of Paymasters will be delighted to know this;) "who governs the Engineer and all under him, is placed there by the Government, because his professional education has trained him for the place of command, which cannot be filled by a Doctor, a Paymaster, or an Engineer. This Captain, so important to his country, is furnished with a ship and guns, and a crew, wherewith to execute the will of his Government. Incidental to the crew is a Doctor to heal the sick, a Paymaster to pay the crew and issue the provisions and clothing, an Engine-driver to drive the engine. These are all, in the first instance, responsible to the Captain to execute his orders, and if they fail he suspends their functions, and regulates when and how they shall perform them. His responsibility covers them all, and all that is done on board of his vessel."

To say the least, the correctness of this statement in every sentence is questionable. The gentleman seems to have been clumsily crammed. Had he considered a moment, he would have perceived that the Captain of a man-of-war is not held responsible for the official conduct of the Staff. Paymasters are under bonds of about \$20,000 for the faithful performance of their duties. If the Captains were responsible for them and their money chests, the bonds are mere surplusage—"red tape." If this imaginary Captain, amongst his multifarious occupations in deciding on peace or war, and playing mentor to our diplomatists abroad, takes care of the sick and the medicines, and "regulates when and how they shall" be used, issues provisions and clothing, or "drives the engine," as the case may be, he has no equal on land. This species of *factotum*—if it has existence in the flesh—must be grown exclusively in the Navy. The chief objection to this kind of thing is that the orator showed it to

Congress to prove that it is highly improper to allow a rank to any such insignificant people as Doctors, Paymasters, and Engineers, because it was calculated to embarrass this *factotum* Captain in some of his numerous, various, and all-responsible duties— it might expose him to a suit for mal-practice on account of the Doctor, to be arrested for fraud and embezzlement committed by the Paymaster, to be court-martialed for bursting the boiler through the inattention of the Engineer to the valve or other gearing of the engine, or, possibly, to be censured for the ritualistic practices of the Chaplain. What a dreadful situation? To be obliged to be all these people rolled into one, to be responsible for all their doings, and they seeking all the time to be recognized outside of him, and claiming to be responsible each man for himself! The orator demonstrated by the same arguments that the Captain being responsible for the duties of all the Staff Officers, they could not have any rank without endangering the existence of the Navy; and, as a matter of course, not being responsible for the duties of the Line Officers under him—such as Commander, Lieutenant Commander, Lieutenants, Masters, and Ensigns— the more rank, honor, distinctions, and pay, too, bestowed upon them, the better for the Navy and the nation. Everybody knows that the grindstone itself gives edge and point, and the crank by which it is turned is merely a useless appendage, which often causes a screeching and screaming as it goes round, without doing any good.

Whether the eloquence and irresistible logic of this speech, or the determining influence it had on a great majority of the members of the House, claim most admiration, is a serious question; but some thoughtful persons wonder that legislators' minds are so sensitively balanced as to be weighed down on one side or another by such very light "paper pellets of the brain." But it is not given that any one man shall know all things equally well; and then honest men have faith in the statements and judgment of their fellows, and hence it may happen that an erroneous conclusion or doctrine imposed upon one honest man may be propagated to many of his faithful associates, bringing about remarkable results.

Although open to real objections, the first section of the Bill was not alluded to in the debate. It provides that the President "shall appoint from the Medical Officers of the Active List of the Navy a Chief of the Bureau of Medicine and Surgery, who shall be *ex officio* the ranking Officer of the Navy."

This might be considered surplus legislation. It is already provided by existing laws that a Chief of this Bureau shall be appointed from the Surgeons of the Navy for a term of four years, and that his orders shall be considered as emanating from the Secretary of the Navy. What more does the proposed measure give? He needs no naval rank to secure him all needful official authority over all grades of the Navy.

The Chiefs of the Bureaus of the Navy Department are selected from the grades of officers in the Navy—being in the Navy is an essential qualification for appointment—and each holds a commission for a term of four years, and this commission is of a *civil* character, like that of the Secretary or Assistant Secretary of the Navy. The law provides alike for all a salary, which is derived from appropriations made for the support of the *civil* list, and not from the naval appropriation. The Navy Department has a *civil* and *not* a military organization, and all its Bureau Chiefs are clothed by law with sufficient *civil* authority to make them *ex officio* the ranking officers of all persons otherwise employed in the naval service.

Then, too, it might be objected that the proposed section sanctions the appointment of any Assistant Surgeon—even the youngest—to be Chief of the Bureau, a post which it might be sound policy to reserve as a special reward to diligence, long, meritorious services, or professional distinction.

We have said that the "Act to reorganize the Navy of the United States," called "The Grimes Navy Bill," from the chairman of the Naval Committee of the Senate, passed that body without debate on the 16th March, and lies over, in the Naval Committee of the House, till next winter. We have printed, (pp. 118-19,) and remarked on, the six sections that change the organization of the Medical Corps. Two sections relate to the grades of Line Officers, from that of Lieutenant-Commander to that of Ensign inclusive. The proposed changes touching these grades we have already commented on. (Page 120.) We have now to remark only on the first six sections of the "Act," which contemplate the "establishment, and connection with the Navy Department," of "a Board of Naval Survey, to be composed of three Officers of the Navy not below the grade of Rear-Admiral," for sundry specified purposes. As exhibiting, briefly, the *principles* embodied in this Board of Admiralty scheme, forming, as it does, an important part of the Act, we *append* the two immediately succeeding Articles (E, F) as valuable expositions not only of the *civil* character of the Navy Department in its entire organization, (a character little understood in the Navy, and less out of it,) but also of the *military* character proposed to be imposed on it by the "Board of Survey" project, virtually abolishing the Bureau system, (which stood the test of the late war,) and establishing a *military* protectorate in the Navy Department. The Staff Corps have been credited with having hindered the passage, through the House, of this pet project of *some* of the restless Spirits of the Line. There has certainly been no *Staff Corps* opposition to it; though perhaps some *individual* objection. We should be paying a sorry compliment to the Naval Committee of the House to suppose that they needed prompting to discover the aim of the Act. It was a blunder in its projectors, as they *now* see, to couple it with any clog, especially with the clog of a degradation of the whole Staff, parading a constantly aggressive egotism, which, not content with exalting *itself*, must needs trample

down *all* others. The Staff have no *special* concern in the scheme, farther than its injury to the *general Service* : though there can be no doubt that the domination of a Line Admiralty Board would ever frustrate, to the limits of possibility, any legislative protection of the Staff. We print the Articles from no opposition to the Line, but from friendliness to the Navy. Mr. Canning, it was, if we recollect rightly, who, commenting on the fact that, in this country, in which things are not done in a corner, there should be a Board of Navy Commissioners, remarked to Mr. Rush, our Minister in England, that Boards are screens.

[E.]

THE GRIMES NAVY BILL.

MARCH 17, 1869.

THE Bill which passed the Senate yesterday, "for the reorganization of the Navy," introduces a principle which is not likely to be very long-lived. It creates a "Board of Survey," to consist of three Line Officers, not below the "grade of Rear-Admiral," which is clothed with extraordinary powers. The Bill abolishes the Bureaus of Medicine and Surgery, and of Provisions and Clothing, in direct terms, and virtually abolishes all the other Bureaus. It also practically abolishes the office of Secretary of the Navy, by making that Cabinet official subordinate to this "Board of Survey." The Bill possesses other marked peculiarities in its re-adjustment of the grades of the naval Service ; but our present purpose is to point out this single feature, by which the eight Bureaus of the Navy are either to be absorbed by, or superintended by, three Officers of the Navy.

The duties of these eight Bureaus are widely dissimilar, as their titles sufficiently indicate : Yards and Docks ; Navigation ; Ordnance ; Equipment and Recruiting ; Medicine and Surgery ; Provisions and Clothing ; Construction and Repair ; and Steam Engineering. Hitherto, such of these Bureaus as involve the idea of scientific or special knowledge and experience have been placed under the direction of officers supposed to be peculiarly fitted for the discharge of the several duties of their respective Bureaus. These assignments have not always been made with the best judgment, and some of the Bureau work has undoubtedly been very

badly done. But the *theory* of their organization is a sound and sensible one. They are essentially *civil* branches of the Secretary of the Navy's Department. They are amenable only to *civil* authority, and have been officered wholly upon the basis of individual fitness, and not on that of grade or rank. The new bill practically overturns the whole Bureau system, in bringing it under the superintendence and control of this Board of Survey, which is expected to comprise, within its three members, a concentration of experience, and precise scientific attainment and ability, upon all the varied and incongruous branches of the naval Service, now administered through eight distinct Bureaus. The Navy *may* possess three officers capable of thus managing the Secretary of the Navy, the Bureaus, and the Navy itself. Who they are, we are unable to determine. But even if such a trio can be found, they are to hold the office for only three years. Then, three other officers, "not below the grade of Rear-Admiral," are to take their place, and the whole management of the Navy is thus to be handed round to successive trimmivirates, who are to be drawn from the little knot of officers eligible under this new law for this position.

Supposing *special* knowledge on the diverse subjects of ordnance, construction, medicine and surgery, steam engineering, &c., to be possessed, *ex officio*, by all the Admirals in the Navy, their number is inconveniently small for the purposes of this bill. There are twelve Admirals, of the three grades, on the Active List, and sixteen on the Retired List. On the 1st January, 1869, sixteen of these twenty-eight officers were in command of Naval Stations, and of Squadrons, and on other duty, leaving one Admiral, one Rear-Admiral on the Active List, and ten on the Retired List, "waiting orders," and available for all other purposes, the proposed "Board of Survey" included. Out of this little handful of officers this "Board of Survey" is to be triennially reconstructed, and each new Board will come in with its own peculiar hobbies, to upset the work of its predecessor.

Still, another and very grave doubt as to the wisdom of this new order of things arises from the substitution of the military for the *civil* element in the administration of the Navy. The present organization of the Department is essentially *civil*. The proposed one is essentially military. The Secretary of the Navy, who is as much a *civil* officer as any of his colleagues in the Cabinet, is made subordinate to a Military Board of Survey. He is to be governed by their

reports and recommendations. He is to pay no money and make no contracts for vessels of war, except with their permission. The reports of Commanding Officers, and their suggestions as to "equipment, armament, rig, stowage, steering qualities, and accommodations," are not to be acted upon by the Secretary of the Navy until he has submitted them to this Board of Survey. In a word, under this Bill, the incumbent is to be, not the Secretary of the Navy, but the Secretary of the Board of Survey.

The Bill seems to have slipped through the Senate very easily, but it is already intimated that it will not pass the House without a very thorough scrutiny. There ought to be some very cogent reasons, which have not yet been made public, to induce Congress to make such a radical revolution in the Navy as is proposed in Senator Grimes's Bill.

[F.]

ORGANIZATION OF THE NAVY DEPARTMENT.

MARCH 17, 1869.

Is a Bill recently introduced into the Senate, and just passed by that body, "to reorganize the Navy," is the revival of an effort made four or five years ago to place the Secretary of the Navy, the Navy Department, and, of course, the whole naval establishment, under the control of three Line Officers. The realization of the proposition may not bring the economy of expenditure and the naval efficiency promised, but it is very likely to create very acceptable places for at least three distinguished Line Officers, and to this extent may be beneficial. The "Board of Naval Survey" is to be the source of all regulations, and the prompter of all official acts of the Secretary of the Navy, for which he alone is to be responsible.

Those, who remember when no Officer of the Navy Department was responsible for anything done under orders emanating from it, will approve of returning to that mode of managing the technical details of naval administration which characterized the Board of Naval Commissioners. It consisted of three of the Senior and most reputable Captains of the Navy. *They were officially competent to advise and instruct the Secretary on all subjects, because it was presumed that their experience was long enough to make them intimately and authoritatively acquainted with the Paymasters and Surgeons' Departments, as well as with the Departments of the Gunner, Naval Constructor, Engineer, &c.* The Board of Commissioners existed about twenty-six years, but experience led to a belief that this manner of conducting the business of our very small Navy was radically defective.

In 1842, the present organization of the Navy Department was devised, in opposition to the views of the Navy Commissioners, who were conscientious in the belief that they managed affairs in their way better than they could be managed in any other, and that without them the glories of the Navy would die out. In 1842 the Navy Department was made to consist of the office of the Secretary of the Navy, and five Bureaus subordinate to it, which, in July, 1862, were increased to eight.

The Chiefs of these eight Bureaus are the representatives

of the various vocations which are exercised in the naval Service, and are supposed to be selected on account of their skill and experience in the vocation or class of affairs placed under the control of the office each administers. We learn from the Navy Register that on the first of January, 1869, Rear-Admiral Joseph Smith had been Chief of the Bureau of Yards and Docks since May, 1846; Commodore Thornton A. Jenkins, Chief of the Bureau of Navigation since August, 1865; Rear-Admiral John A. Dahlgren, Bureau of Ordnance since July, 1868; Commodore Melancton Smith, Bureau of Equipment and Recruiting since September, 1866; Surgeon Phineas J. Horwitz, Bureau of Medicine and Surgery since July, 1865; Paymaster Horatio Bridge, Bureau of Provisions and Clothing since October, 1854; Naval Constructor John Lenthall, Bureau of Construction and Repair since November, 1853; and Chief Engineer Benjamin F. Isherwood, Bureau of Steam Engineering since July, 1862.

It is presumed that each of those gentlemen is indebted for his place in the Navy Department to his reputation, acquired in the naval Service, for skill in his profession and administrative ability. The long term which some of them have served in the Bureaus indicates that they are faithful, efficient officers. The time that they have been in the Navy, on duty ashore and afloat, may be regarded as a measure of their experience, as well as of their age and qualifications. The following table, compiled from the Navy Register made up to January 1, 1869, exhibits a summary of the naval career of the Chiefs of Bureaus now in office:

	State of birth.	Sea service. Yrs. M.	Shore duty. Yrs. M.	In Navy. Yrs. M.
Rear-Adm'l Smith.. ..	Mass.	12.06	32.03	59.11
Rear-Adm'l Dahlgren.....	Penn.	12.01	21.08	42.11
Commodore Jenkins.....	Va.	15.03	22.06	40.02
Commodore Smith.. ..	N. Y.	19.02	11.10	42.10
Surgeon Horwitz.....	Md.	7.10	10.09	21.02
Paymaster Bridge.. ..	Me.	10.04	17.09	30.10
Naval Con. Lenthall.....	D. C.	—	—	31.10
Chief En. Isherwood.. ..	N. Y.	6.02	16.02	24.07
Aggregates.....		84.04	132.11	294.03

These gentlemen together have an aggregate experience at sea of 84 years and 4 months, on shore duty of 132 years, 11 months, or 217 years and 3 months of active participation in naval affairs.

The conclusion from these figures is, that the Secretary of the Navy has around him ample experience in every branch of the Service, and that the addition of a Board of Admiralty to the Navy Department would be simply an encumbrance.

Besides, the almost inconceivable expansion of the Navy, in less than four years subsequent to March 4, 1861, from 46 available vessels to 671, in connection with the efficient services rendered by them, is proof—presumptive evidence, at least—that the administration of naval affairs by the Navy Department, under its present organization, has been most satisfactory, and that it was wisely devised, and ought to be preserved intact.

We have a “Bureau of Yards and Docks,” which is charged with the details which pertain to the management of navy-yards, such as the various workshops, building sheds, dry-docks, floating-docks, &c.; a “Bureau of Construction and Repair,” charged with the drafting, planning, building and repairs of ships; a “Bureau of Steam Engineering,” which has charge of the construction and repair of marine engines; a “Bureau of Ordnance,” charged with all matters connected with the arms and ammunition of ships; a “Bureau of Navigation,” charged with supplying them with nautical instruments and charts, a general supervision of the National Observatory, and the Naval Academy; a “Bureau of Equipment and Recruiting,” charged with obtaining crews and certain equipments, as anchors, rigging, sails, &c., of ships; a “Bureau of Provisions and Clothing,” charged with procuring and issuing those articles; and a “Bureau of Medicine and Surgery,” charged with the care of naval hospitals, and furnishing needful supplies for the use of the sick and hurt of the naval Service. This distribution of duties among the several offices secures attention to all details. When any neglect occurs, some Chief of a Bureau is responsible.

The Navy Department is organized on the cardinal principle that the *civil* power shall always be paramount to the military establishment of the Government. It is not the common quarter-deck of the whole Navy whose degree of authority is measured by the grade or rank of the Officer who issues an order. The source of power in it is *civil*, exclusively. The commission of the Secretary of the Navy, as well as the commissions of the Chiefs of Bureaus, are *civil*, and possess *no* military character; consequently, neither the Secretary of the Navy nor the Chiefs of Bureaus possess or need military rank, military uniform, or insignia, to distinguish them. They are *not* amenable to military laws or

discipline. The idea of trying a Secretary of the Navy before a Naval Court-Martial is inconceivable. Chiefs of Bureaus are not more subject to a military tribunal for *official* offence than a Secretary of the Navy himself.

The Navy Department is a part of the machinery of the *civil* government, the purpose of which is to control that part of the military establishment of the nation termed the Navy. If it had been arranged to work on military principles, the Secretary must have been created an Admiral, and the Chiefs of Bureaus, Senior Vice-Admirals and Rear-Admirals: otherwise, Naval Officers of the *higher* grades might decline obeying their *juniors* in the Bureau. And, moreover, to have admitted a military element into the structure would have deprived the nation of the power of selecting Naval Officers from the *Junior* grades to serve in the Navy Department. Experience has demonstrated that aptitude for the *office of Bureau Chief* is *not* a quality common to all in the Navy, and that it does not inhere to the highest grades more than to the inferior, nor to the Juniors more than to the Seniors.

While the Bureaus are alike subordinate to the Secretary of the Navy, they are coequal and distinct offices. If the organization of the Department were military in principle, then the senior Rear-Admiral could rightfully command all in the Department who are junior or inferior in grade, because, in the scale of military gradation, the inferior is required to obey the superior when those of several grades are associated under a common Chief. But, under the existing arrangement, no Bureau Chief can exact official obedience from any other Bureau Chief.

The notion that Chiefs of Bureaus in the Navy Department retain the rank or grade belonging to them in the Line or Staff of the Navy probably arises, in a great degree, at least, from the courteous practice, not improper in itself, of designating them by their military titles, and from four Staff Officers, who are Chiefs of Bureaus, being noted in the Navy Register as "ranking with Commodores," although, in fact, they rank with Chiefs of Bureaus, who are Rear-Admirals. In his office of Bureau Chief, the Paymaster ranks as much with Rear-Admirals as the Chief of the "Bureau of Yards and Docks," who *is* a Rear-Admiral, because both are temporarily *civil officers*.

The order in which the several Bureaus are named in the Navy Register is probably based on this notion, the order of precedence of the Bureaus being in accordance with the mili-

tary precedence of the officers who are Chiefs of them, which is not consistent with the *civil* character of the organization of the Department.

The "Act to reorganize the Navy Department," approved July 5, 1862, provides that Chiefs of Bureaus shall be appointed by and with the advice and consent of the Senate, and that they shall be selected from the list of officers of the Navy. They are selected and commissioned in accordance with this law "for the term of four years."

An officer is not *ordered* to perform the duties of a Chief of a Bureau as he is ordered to shore duty at a navy-yard, but has conferred upon him a *distinct commission*, from which he derives his official authority. The orders issued by Chiefs of Bureaus appointed from the list of Commanders, Captains, or Commodores, have precisely the same force as the orders issued by Chiefs of Bureaus selected from the list of Rear-Admirals, because they are not Rear-Admirals and Commanders, &c., "on shore duty," but Chiefs of Bureaus in the Navy Department, which embraces only the *civil* equipment necessary for the administration of naval affairs. The duties of Chief of a Bureau do not pertain to any grade of officers of the Navy; consequently, Bureau Chiefs are not to be considered naval officers, "on shore duty," in the technical meaning of the term. If they were so considered, they would be entitled to receive simply the "shore duty pay" of their grade: the Commanders \$2,240, the Surgeon and Paymaster \$2,800, and so on; but the law gives to each Chief of Bureau an annual salary of \$3,500, "in lieu of all other compensation whatever."

It is stated in the Navy Register, however, that the Rear-Admirals who are Chiefs of Bureaus receive \$4,000, which is the shore duty pay of a Rear-Admiral, probably on the construction that they are Rear-Admirals on shore duty. If this construction is legally applicable in one case, why is it not equally applicable to all under the command of the law? Its words are: "Each of which Chiefs of Bureaus shall receive a salary of three thousand five hundred dollars per annum, unless otherwise heretofore provided for by law, which shall be in lieu of all other compensation whatever."

No conclusive reason is perceived why there should be any difference made in the compensation of Chiefs of Bureaus. In these times, an annual salary of \$4,000 is not too great for a Chief of a Bureau in the Navy Department; but the services of a Bureau Chief appointed from the list of Rear-Admirals are intrinsically worth no more than if they were

rendered by a Commander, because the quality of *civil* service is not measured by military rank, but by the ability and aptitude of the incumbent of the office. This idea is distinctly recognized in the law.

This imperfect exposition of the theory on which the Navy Department is organized suggests that a Board of Admirals, or Board of Survey, substituted for, or added to, the Bureau system, would not improve the administrative quality of its organization.

“A Board of Survey” means, in fact, a sort of trine censorship of the Secretary of the Navy, who, according to the proposed law, is to act, or refrain from acting, not in obedience to the dictates of his own discretion, but in deference to an irresponsible Board. Without the approbation of this “Board of Survey,” the Secretary cannot sanction a contract, nor issue a General Order. Why have a Secretary of the Navy at all? A Board of Line Officers—three of the Seniors in rank—can easily administer the affairs of the Navy without a Cabinet Officer as its Executive, and without the aid of Bureaus to hamper its conduct.

[G.]

THE NAVY DEPARTMENT—ITS ORGANIZATION AND CIVIL CHARACTER.

APRIL 28, 1869.

It is well-known that, in the early days of the nation, its military establishment was so small that the administration of the affairs of both the Army and Navy was confided to a single officer, known as the Secretary for the Department of War. This Department was created by an Act approved August 7, 1789.

About nine years afterwards, the management of naval affairs was withdrawn from the Secretary of War, and "the Department of the Navy" was established, under an Act approved April 30, 1798, which Act has not been repealed, though many of its provisions have been superseded by subsequent legislation.

The Navy Department, when first established, consisted of the Secretary of the Navy and "a principal clerk," and as many additional clerks as the Secretary might consider necessary. In case of disability or resignation of the Secretary, the Law directed that the principal clerk should take charge of the books and papers of the office, thus indicating him as the official *locum tenens* of the Secretary. And recognizing the principle that the king never dies, it was a practice of the President to give to the Chief Clerk a written appointment of acting Secretary whenever the Secretary left the office even for a few days. The Department was founded, as a *civil* organization, to manage that part of the military establishment known as the Navy, and did *not* include any military or Naval Officer. Its *civil* character remains unchanged.

Under this organization, it was alleged, after many years, that abuses had crept into the naval Service, and the Secretary represented that his official duties were so excessive that some of them were imperfectly performed, implying that there were reasonable grounds for such charges, ascribable to this circumstance. But it seems not to have occurred to the President to order one or more Captains to relieve the Secretary of a part of his labors. Application was made to Congress.

The subject was carefully considered by the Naval Com-

mittees. They consulted with the famous Captains of the day, who, in the freshness of their battle renown, were supposed to be wiser than men-of-war's men are in time of peace. Among the State papers are recorded letters on the subject from Charles Stewart, Isaac Hull, William Bainbridge, Stephen Decatur, O. H. Perry, Lewis Warrington, D. Porter, and others. The Secretary of the Navy, W. Jones, in 1814, suggested there should be added to the Navy Department a Board, to consist of five Captains, who, under the name of Naval Inspectors, were to act jointly, and each was to be held responsible for the management of a definite part of the duties to be assigned by the Secretary. His plan of organization would secure, he believed, "as much individual and collective responsibility as may be attainable;" it, in fact, embraced the idea of both Board and Bureau systems combined.

Under the provisions of a Law, approved February 7, 1815, a "Board of Commissioners for the Navy" was added to the Navy Department. It consisted of three Post-Captains, each commissioned by and with the advice and consent of the Senate. The Senior presided, and, "in lieu of wages, rations, and other emoluments as Naval Officers," each had an annual salary of \$3,500, paid from appropriations made for the *civil* service. The Board appointed its own Secretary, whose pay was \$2,000 a year. The law authorized this Board, which was "attached to the office of the Secretary of the Navy," to discharge, under his direction, "all the ministerial duties of the office," relative to "the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as all other matters connected with the naval establishment," and to prepare rules and regulations for the government of the same.

After an experience of about a quarter of a century, it was determined that the Board of Navy Commissioners had not succeeded. It was believed that abuses might be more surely prevented by organizing the Navy Department in such manner that there would be individual responsibility in the administration of several branches of the service. It was supposed, for instance, that it was not fair to hold a naval constructor responsible for the qualities of a ship while his plans and calculations were often modified by the irresponsible trio, after the work of construction had advanced far towards completion. He was never sure that a design, approved by the Navy Commissioners before its execution was

begun, would not undergo several changes, by their order, before it was finished. Then, failure was always ascribed to the constructor, but never to the Navy Commissioners.

The proposed abolition of the Board of Commissioners and the substitution of Chiefs of Bureaus were opposed, or at least not welcomed, by the Commissioners. But an Act to reorganize the Navy Department was approved August 31, 1842. The Act creating the Board of Navy Commissioners was repealed. Five Bureaus were instituted in its stead. But the Law was construed in such manner that the three Commissioners and their Secretary were appointed Chiefs of four of the five Bureaus, although the law specified that "a skilful naval constructor" should be selected for one of them. The new system was put in operation under the influence and immediate control of men who did not approve of it. They did not like giving prominence to any member of the Staff Corps in the Department, and for some time the Bureau of Provisions, which was designed to be a post for an experienced Paymaster, was presided over by a Captain.

After nearly twenty years' trial, the Bureau system seems to have been found satisfactory: for an Act to reorganize the Navy Department, approved July 5, 1862, which adds three Bureaus to the organization, is identical in principle, and almost in its terms, with that of August 31, 1842.

This Law authorizes the President to appoint, with the advice and consent of the Senate, Chiefs of the eight Bureaus. An essential qualification for appointment, specified in the Act, is that they shall be "Officers of the Navy not below the grade of Commander." These Chiefs of Bureaus are commissioned for the term of four years, and, in lieu of all other compensation, receive an annual salary of \$3,500. Under this Act, the Secretary of the Navy defines the duties of the Bureaus, and appoints all the Clerks and Messengers for them. All of the duties of the Bureaus are declared to be performed under the authority of the Secretary of the Navy, and their orders are considered to emanate from him. The Law specifies the number and class of clerks, messengers, and laborers to be employed in the different offices of the Department. And a section of a subsequent enactment authorizes the Secretary "to assign clerks and laborers attached to one Bureau to duty in another, and also to detail a Surgeon, or Assistant Surgeon, or Passed-Assistant Surgeon, as assistant to the Bureau of Medicine and Surgery." Another Act provides that Officers of the Navy, when available, shall be employed in chartering and purchasing vessels, &c.

The terms of all the Laws touching the organization of the Navy Department, from 1798 to the present day, imply that it is purely *civil* in its character throughout. Although it includes professionally military men, their authority in the Department is derived exclusively from *civil* commissions, limited to four years' duration; and their compensation is derived from appropriations made for the *civil* service, and not for the Navy. As long as an officer of the Navy, Admiral, Captain, or Commandant, legally exercises the duties of a desk in the Department, he is a *civilian*, and has no more military status in it than the Secretary or any of the Clerks. And these Acts also imply that the representatives of the people did not design that the President or the Secretary should have any discretion whatever in modifying the organization of the Department, even to the extent of adding to it one laborer or a watchman, without a specific Law. An enactment was necessary to enable the Secretary to detail even an Assistant Surgeon as assistant to the Bureau of Medicine, or to employ the laborers attached to one Bureau in another.

[II.]

OPINION OF HON. E. R. HOAR, ATTORNEY GENERAL.

[*Referred to in "General Order" of the Navy Department, April 1, 1869.—Page 127.*]

ATTORNEY GENERAL'S OFFICE,

March 29, 1869.

HON. A. E. BORIE, *Secretary of the Navy*:

SIR— I have carefully considered the question presented in your letter of the 26th instant, touching the validity of the regulations adopted by the Secretary of the Navy, with the approbation of the President of the United States, on the 13th of March, 1863, establishing and increasing the relative rank of Staff Officers of the Navy.

These regulations, I understand, are alterations or modifications of certain Orders of the Secretary of the Navy, dated August 31, 1846, May 27, 1847, and January 13, 1857, upon relative rank, to which Congress, by the Acts of August 15, 1854, (Ch. 268, Sec. 4.) and March 3, 1859, (Ch. 76, Sec. 2,) gave the force and effect of law. And the authority of the Secretary of the Navy, with the approval of the President, to alter or modify these Orders, and establish new and different regulations on the subject to which they relate, was supposed to be derived from the provision of the fifth Section of the Act of July 11, 1862, (Ch. 164,) as follows: "That the orders, regulations, and instructions heretofore issued by the Secretary of the Navy be, and they are hereby, recognized as the Regulations of the Navy Department, subject, however, to such alterations as the Secretary of the Navy may adopt, with the approbation of the President of the United States.

The first question I will consider is whether, by the true construction and effect of this provision, the regulations of the Department establishing the relative rank of certain Staff Officers of the Navy, which were sanctioned and ratified by the Acts of 1854 and 1859, are comprehended by the designation of "orders, regulations, and instructions heretofore issued by the Secretary of the Navy," and, as within that description, subject to alteration at the will and pleasure of the Executive.

The Acts of 1854 and 1859, either in terms or in effect, gave to the Orders of the Department to which they referred the force and efficiency of law. Until sanctioned and ratified

by Congress, those orders were without authority and void, as establishing rules and regulations upon a subject-matter which was exclusively of legislative cognizance. When so sanctioned and ratified, as they were by the Statutes that have been mentioned, they were placed upon the footing of legislative Acts, and were incorporated into the Statute law on the subject of the Navy and its organization.

Such being the character and effect given to the Orders of the Department under consideration by the Acts of 1854 and 1859, nothing less than a Statute authorizing the President, expressly or by necessary intendment, to alter the provisions of those Orders, can be regarded as a sufficient warrant for the exercise of such power. The Act of 1862 is not such a Statute, as is clearly shown by the commissioners appointed to consolidate the Laws, in their remarks upon this subject. The Orders sanctioned by the Acts of 1854 and 1859, passed, by the operation of those Acts, as I have already intimated, into the form of law. They ceased to be Orders or Regulations of the Executive, and became Laws of Congress. No such general words of description as those employed in the Act of 1862, "orders, regulations, and instructions, heretofore issued by the Secretary of the Navy," can be fairly or properly treated as comprehending or embracing them. Besides, the orders, regulations, and instructions mentioned in the fifth section of the Act of 1862 are expressly recognized thereby "*as the regulations of the Navy Department.*" The Orders of the Secretary of the Navy which were ratified by the Acts of 1854 and 1859 had been previously recognized and established by that legislation as regulations of Congress on the subject of the relative rank of Staff Officers of the Navy. It cannot be supposed that Congress intended to change entirely the character which it had previously given to those Orders, and remove them from the category of Laws, and place them in that of Executive Regulations.

In this view of the subject, the Orders sanctioned by the Statutes of 1854 and 1857 are altogether without the purview of the fifth Section of the Act of 1862. But, conceding that, by the terms of that Section, the entire body of "Orders, Regulations, and Instructions" theretofore issued and promulgated by the Secretary of the Navy, including those which were within the scope of mere Executive authority, as well as those regulations that had the force and effect of law, as having been expressly sanctioned by Congress, or previously sanctioned by legislative authority, were within the contemplation of Congress in enacting this Statute, still, I

think that the provision which, it is supposed, authorized the Regulations of March 13, 1863, was only intended to recognize the power of the President to alter regulations which he was originally competent to adopt and promulgate without the express authority of Congress. No just rule of construction would authorize giving to this provision the force and effect of a general delegation of legislative authority to the Executive, at his pleasure to pass upon and regulate subjects which were, in their own nature, exclusively subjects of legislative cognizance and action, or which Congress had previously fixed by law, and which the Regulations thereby recognized had not undertaken to modify or alter.

My opinion, therefore, is, that the Regulations of March 13, 1863, in so far as they are alterations of the Orders of the Secretary of the Navy, to which Congress gave its legislative sanction by the Acts of August 5, 1854, (Ch. 268, Sec. 4,) and March 3, 1869, (Ch. 76, Sec. 2,) are not founded upon valid authority of law. I thus dissent from the opinion of Mr. Attorney General Bates, by whose advice, it appears, these regulations were adopted. (10 Opin's, p. 413.) I find, however, that the attention of this learned gentleman appears not to have been directed to the Orders of 1846, 1847, and 1859, or to the effect of the two Statutes which gave them the force and efficiency of law. The question of the proper construction of the Act of 1862 was presented to him in an abstract form, before the adoption of the Regulations of 1863, and without any suggestion which would naturally lead him to consider the character and effect of the previous Orders on the subject of relative rank. It is not surprising, therefore, that he should have come to a conclusion in regard to the effect of the Act of 1862 in which I am not able to express my concurrence.

I have the honor to be, very respectfully, your obedient servant.

E. R. HOAR,
Attorney General.

[1.]

OPINION OF THE HON. WALTER JONES,

MARCH 23, 1848.

OBSERVATIONS ON CERTAIN OBJECTIONS TO THE GENERAL ORDER OF THE SECRETARY OF THE NAVY, CONFERRING ASSIMILATED RANK ON THE SURGEONS AND PURSERS OF THE NAVY. BY WALTER JONES. 1848.

OBSERVATIONS ON THE REMONSTRANCE OF COMMANDER GOLDSBOROUGH.

In behalf of himself, and certain 'Sea Officers' (unnamed) who concur with him in the sentiments set forth in the remonstrance against the Order issued from the Navy Department, May 27, 1847, arranging a certain rank, or order of precedence, between Surgeons and Pursers, and other Officers of the Navy.

THE objections against this Order are two-fold: 1st, *illegality*; the constitutional competency and legal authority of the Executive to prescribe such a regulation as the Order imports being denied: 2d, its *inexpediency*: as involving certain practical inconveniences and absurdities in its execution.

To sustain the first ground of objection, a comparison is instituted, by way of contrast, between *regal* power and authority over the military establishments of the State, and the Executive powers delegated to the President by the Constitution: from which follow certain corollaries disparaging the President's power and authority over the Land and Naval Forces; to wit: That all his powers and authority over those forces are strictly limited by the Constitution to such as, by the *customary military law*, belong to him in his quality of *Commander-in-Chief*: that these are not different, in kind or degree, from such as a Post-Captain commanding a squadron at sea, or a General commanding an army in the field, might assume, under commissions conferred by the President himself: and that, before he can exercise any greater or other authority, he must produce a special Act of Congress, so far extending his authority.

This whole theory of the nature and extent of the President's powers in matters of military administration, and of the distribution of those powers between two distinct capacities supposed to be vested in him, first, as the general depositary of the "Executive power." and, secondly, as Commander-in-

Chief, seems very far from clear and satisfactory. But no necessity is perceived in the present case for any attempt to determine what specific powers, if any, result to him from his capacity of Commander-in-Chief, which are not inherent to the grant of the *whole* Executive power; or if, in the collective mass, powers are involved specifically different, and springing from different sources — some from the great reservoir of the whole *Executive* power; others from the less copious tributary of his *military* capacity — then how, and by what rule, the mass is to be broken up, and its elements appropriated, distributively, to the two capacities from which they spring.

These may, for aught I know, be grave questions in their proper place; at any rate, curious speculations. But when the objection, so elaborately argued in the remonstrance on these broad principles, comes to be reduced to a more practical form, it utterly denies the President's competency, under any authority merely *incidental* to the Executive powers granted to him by the Constitution, in either of his supposed capacities, or in both collectively, to institute any regulation of the naval Service which assigns to Surgeons and Purser the sort of honorary rank and precedence, such as the Order in question imports.

On the contrary hand, the Surgeons and Purser maintain that a substantive grant of such authority by Act of Congress is wholly unnecessary; that a discretionary authority, fully equal to, indeed, far transcending, the utmost extent of authority assumed in the Order in question, is incidental to, and inseparable from, the general power to regulate and direct the administration of all the subordinate departments, both civil and military; and, indeed, is indispensable to the due exercise of the general power.

These questions, however, are not to be treated, at this day, as open to discussion or general reasonings on the Constitution of the Executive Department of the Government, or the functions legitimately resulting to it in its different ramifications. For the nature and extent of the discretionary authority, purely incidental to, and inseparable from, the Executive power, and not at all dependent on any special legislation, to regulate and direct the subordinate departments, both civil and military, in all the details of their administration, and the reasons of public policy and necessity, on which such authority rests, have all undergone judicial investigation, the most careful and thorough, and have all received the impress of the highest judicial sanctions known to our Jurisprudence.

These judicial precedents have settled the nature and extent of this discretionary authority, not only as being incidental to "the Executive power" vested in the President himself, but as being alike incidental and necessary to the administration of the subordinate departments, by their respective heads—the Secretary of the Navy among others: and without any special authority or direction, either from the President or Congress.

Let us, in the first place, examine the nature and extent of the discretionary authority conceded by these decisions to the heads of the Executive Departments, such as the Secretaries of War and Navy: not as being derived from any special or direct sanction from superior authority, either Executive or Legislative, but as a merely incidental authority, inherent in the office of a head of department. Then the Secretary of the Navy was held entirely competent to appoint one of the regularly salaried clerks of the Department to perform the duties of Paymaster of the Navy Pension fund, and to allow him an extra salary for such extra service: and in answer to the objection that there was no *law* authorizing the appointment of such Paymaster, the Court said: "The head of a department is not bound to show a statutory provision for every authority exercised by him. No Government could be administered on such principles. To attempt to regulate by law the minute movements of the complicated machine of Government would evince unpardonable ignorance on the subject." (McDaniels' case, 7 Pet. Rep., 14; Fillebrown's case, *Ibid.*, 30.)

So in General Ripley's case, (*Ibid.*, 25.) the Secretary of War was held competent, of his own authority, and at his mere discretion, to assign to a Brigadier General of the Army the extra duty of making certain disbursements, (a Paymaster's duty;) of preparing plans of fortifications, (an Engineer's duty;) and of forwarding supplies of provisions for troops, (a Commissary's duty;) and to allow him extra pay for the same. "The amount of compensation for *military* services," said the Court, "may depend in some degree on the *Regulations* of the War Department." But the gallant General failed to establish his set-off, merely because he had not produced either "Regulations of the War Department, or instructions from the President," imposing on him the duty, and authorizing him to expect extra compensation for the performance of it.

The authority sanctioned in those cases, though the circumstances on which it acted were not precisely the same as

in the present case, must be held, by the strictest analogy, not a whit less in quality or degree than the authority exercised by the Secretary of the Navy, with the President's sanction, in the present case.

But if that were at all doubtful, into what insignificance does the Order now in question dwindle, before the wide sweep of discretionary authority, we might say, of Executive legislation, apparent in the successive volumes of *Army Regulations* issued from the War Department at different times, from the year 1813 to 1825, and especially in the Regulations of 1821 and 1825. Yet the Supreme Court say, in General Gratiot's case, (4 How., 117, 118,) that the Court has repeatedly decided that these Regulations have the *force of law*; and that the particular Regulation, then in question, is as obligatory as any of the rest. That was Article 67, Sec. 888, in the Regulations of 1825, which, resting on merely *Executive* authority and discretion, superadded to the *legally defined* duties of the Colonel of the *Engineer Corps*, (duties exclusively military in all their aspects and relations,) the laborious duties of a Civil Engineer in superintending the execution of roads, canals, &c., carried on at the expense, and for the exclusive profit, of *private individuals and corporations*. It might perhaps be inferred, with great show of reason, that if these offices of *civil* life could be imposed on *military* Officers, at the discretion of the Executive, so might military functions be assigned, at the like discretion, to the Civil Staff of the Army or Navy; and, consequently, military rank imparted to them. But the title to such rank, and the authority of the Executive to bestow it on them, seems to have been renounced by that class of officers.

When General Gratiot's case came first before the Supreme Court, the then Attorney General, Mr. Gilpin, did indeed refer to certain Acts of Congress authorizing the Secretary of War to prepare some general regulations; some with, others without, the President's sanction. (See the two Acts, March 3, 1813, Ch. 513, Sec. 5; and Ch. 517, Sec. 5. Vol. 4, pp. 520, 523.)

But the slightest examination of those Acts must undeniably demonstrate that the Regulations thereby authorized, though styled "General Regulations," are limited in terms to particular departments of the military service; such as the Quartermaster's Department, the General and Regimental Staff, &c.

Let the scope of the Regulations described and called for in those Acts of Congress be compared with the comprehen-

sive and far stretching Regulations actually issued from the War Department, and admitted to have all the force of law, and it will appear too plain and obvious to admit of the slightest doubt, that they do not cover one tithe of the ground covered by the actual Regulations, nor a tithe of that tithe. Nor did the learned Attorney lose sight, for a moment, of the necessity of placing his Regulations on broader and more solid ground, to wit, on the inherent power and authority of the War Department, independent of *positive legislation*. (15 Pet., 358.)

So the Supreme Court, when the second appearance of the case made it necessary to decide the precise question of the binding effect of the Regulations, asserted for them *all the force of law*, without relying on any Act of Congress as authority for them. (4 How., 117, 118.)

Among the cases in the eye of the Court, when they say the point had been *repeatedly* decided "that these Regulations have the force of law," there is only one other, in addition to those already cited, which it is at all material to cite now.

In Captain Eliason's case, (16 Pet., 302,) the validity and effect of two of the numerous Regulations issued from the War Department were drawn in question. By the Regulations of 1821, (Art. 65, Sec. 14,) *extra* compensation was provided and allowed to Officers for extra service; and by subsequent Regulations, (March 13, 1835,) all such extra compensation was abolished. To this the Court say: "The power of the *Executive* to establish Rules and Regulations for the government of the Army is undoubted. The power to *establish* necessarily implies the power to *modify*, or *repeal*, or *create* anew. The Secretary of War is the regular *constitutional* organ of the President for the administration of the military establishment of the nation; and *Rules and Orders*, publicly promulgated through him, must be received as the acts of the Executive, and binding upon all within the sphere of his legal authority." Here, be it remembered, so far from any enabling Act of Congress being referred to, the whole authority to institute these Rules and Regulations is clearly made an inherent attribute of the Executive power.

The remonstrants themselves refer to the Army Regulations of 1841 as unexceptionable, as well in point of authority as in their details. Now, what authority, in the shape of an enabling Act of Congress, can be found for these? What radical difference in principle is there between the assimilated rank assigned to Surgeons and Paymasters by those

Regulations, and to Surgeons and Pursers by the Order in question? Who can say that the *incidental* authority competent to the one is not also competent to the other? As to matters of detail, the difference, if at all material, is surely not so great as to call for *higher* authority to institute the one than the other. Substantially, indeed, the assimilated rank seems to be given or recognized pretty much with the same restrictions in the Naval Order as in the Army Regulation.

The difference which the remonstrants so much insist on, between *classing* an officer with a certain grade, and *ranking* him with the same grade, seems so much the less substantial, since both the Army Regulation and the Naval Order qualify the assimilated rank pretty much alike; if there be any difference, the assimilated rank is rather more qualified and restricted in its privileges by the Naval Order than by the Army Regulation.

The objection that the Navy Surgeon's assimilated rank of Commander is relatively higher in the Navy than the Army Surgeon's of Major in the Army, surely has nothing to do with the *authority* to establish and arrange assimilated ranks.

The remonstrants strenuously insist that the Constitution has vested in Congress the exclusive power to make rules and regulations for the government of the land and naval forces. So did the counsel for General Gratiot argue and insist, might and main, that the Army Regulations, then in question, were essentially legislative in their character; that the power to institute them was expressly vested in Congress by the Constitution, and of course, and of necessity, was a power *exclusive* in Congress. But the argument was urged in vain: the regulations were maintained upon the inherent authority of the Executive alone; an authority recognized in the whole length and breadth of making a military officer of high rank surveyor and superintendent of works belonging to private individuals or corporations.

The effect of the Supreme Court's decisions, on the extent of the implied or incidental powers of the Executive Department, go to this: that though Congress may undoubtedly legislate on the subject of Army Regulations, yet, in the absence of any positive legislation, the authority is inherent in the Executive to institute Regulations so nearly approximating legislation as do the Army Regulations down to 1835; that, so far, the powers of the Executive and of Congress are concurrent; though that of Congress, when exercised, be paramount.

The remonstrants assume that the Order now in question is essentially *legislative* in its character ; and so, they admit, were the regulations prepared by the Navy Commissioners, with the consent of the Secretary, and approved by the President.

But Congress, it is said, *delegated* this authority to the Navy Commissioners by the Act of February 7, 1815. What, *delegate* the power of *legislation* ! Congress itself is but the *delegate* of the power to make laws ; and for them to delegate their delegated power seems opposed to a well-known maxim. Congress must make the law, and can delegate to the Executive branch nothing but the power to *execute* their laws, not to *make* them.

Upon principles, therefore, already settled by the Supreme Court, none of the regulations for either Army or Navy can be held as essentially *legislative* ; and upon the same principles, if it be admitted that the regulations are such as that Congress might require any Executive Department to institute, it necessarily follows that they are such as the Executive had the inherent authority to institute, without any express warrant from *positive* legislation.

The remonstrants insist, and with good reason, that when the law recognized and established certain gradations of ranks, by names and titles already known and defined by military law and usage, it implicitly adopted and established the same subordination of ranks as those terms imported in preëxisting military law and usage ; and by way of illustrating and enforcing this proposition, they resort to the hypothesis of a military common law — of an unwritten code — punishing undefined offences unknown to the penal articles of the Naval code, and inflicting punishments equally undefined and unknown to the same articles. The main proposition scarcely needed the elaboration bestowed on it ; far less any corroboration from this hypothesis of an unwritten criminal code.

When Congress established the ranks of Captains, Lieutenants, &c., in the Navy, and of Generals, Colonels, &c., in the Army, we were left, of course, to collect from the usages and customary laws of the sea and land Service, the force and effect of those terms ; and so, to ascertain what gradations and subordinations of ranks they implied ; just as, when the Constitution uses terms appropriated to the preëxisting jurisprudence of the country, such as *suits at common law*, *suits in equity*, *cases of admiralty* and *maritime jurisdiction*, *trial by jury*, &c., we refer to the preëxisting

system of law and jurisprudence for the sense in which the framers of the Constitution used and understood the terms.

There was, therefore, no necessity for resorting to this most perilous expedient of a criminal common-law to imp the already swift enough wing of military accusation and punishment. Indeed, if the gallant remonstrants could compass their end by no other means, they would have purchased the degradation of the Surgeons and Pursers at a very dear rate, when they admitted, within the ramparts of their professional rights, this Trojan horse of an unwritten military code, with all its host of undefined crimes and unlimited punishments ambushed within its cavernous sides.

The precise *conclusion* aimed at by the remonstrants in their diversified and elaborate arguments against the principles and details of the General Order in question, and against the *authority* assumed in that Order, to regulate the assimilated rank of Surgeons and Pursers, is not at all clear.

They are willing, as they say, to accede to such a classification, or assimilation, of rank in the Navy as the Regulations of 1841 have provided for the Staff of the Army. Now, it is perfectly clear that the assimilated rank, as arranged by those Regulations, partakes not a whit *less* of *military* rank than does the assimilated rank, as arranged by the *Naval* Order; nor is it any the less clear that the privileges accorded to the Naval Staff, in their relations to the "Sea Officers," are laid under quite as strict limitations as are the privileges of the Army Staff in their relations to Officers in the Line of the Army. If either the Naval Order or the Army Regulations want revision and amendment in that particular, that belongs to prudential considerations exclusively, and has nothing to do with any question of authority.

As to their *recommendation* to have the "classification of rank" settled by Congress on some equitable basis, that, too, must be understood as mere matter of choice and expediency, not of right or necessity. The authority of the two Secretaries of War and Navy, in the matter of regulating their respective Departments, must be held coequal; nor can it be made a question whether the one is more or less amenable to reason than the other, or more or less averse to an equitable basis; nor can the basis which either Secretary may be disposed to adopt be presumed to be more or less equitable than such as might be expected from Congress.

The remonstrants have expended great force in combating the authority, supposed to be asserted for the President, to confer military rank not given by law, or to invert the sub-

ordination of ranks established by law. Yet, in the printed statement in vindication of the title of the Surgeons and Purser of the Navy to their assimilated rank, it was fairly conceded "that the President has no authority to *invert*, or anywise change, the order of military ranks conferred by *law* upon the different grades of Military Officers, either in the Army or Navy; nor to confer military rank, of any kind or degree, upon civil Officers in either Service, to whom the *law* had assigned no such rank;" and the statement went on to distinguish, with much care and precision, the sort of rank conferred by the General Order in question, upon Surgeons and Purses, from military rank and command of every kind and degree. If the remonstrants have any quarrel with this concession, it must be because it *concedes* too much, not because it *claims* too much; for the very arguments by which they attempt to establish the relations of superior and inferior in rank between the two classes of Officers most clearly infer that military rank, of some grade, is inherent to the offices of Surgeon and Purser.

They insist that a rule is clearly deducible, both from law and regulation, which fixes the relative rank of Surgeons and Purses as intrinsically *inferior* to the rank of every commissioned "Sea Officer," whatsoever his grade; so that the *lowest* grade of the last is superior to, and entitled to command, the *highest* grade of the others. Then, if they have succeeded in establishing this relation of *superior and inferior* in rank between the two classes of officers, is not the consequence inevitable that *military rank*, howsoever differing in degree, is common to both classes? But the proof of this intrinsic and indelible superiority in the rank of the one, and inferiority in the rank of the other, seems to be quite fanciful; it consists of an argument drawn from the general policy and reasons of State which induce nations to build, man, and arm a Navy. The one set of Officers is destined to accomplish "the great aims and objects of the Navy," which are said to be purely and exclusively *military*; whilst the other set is said to be a mere *appendage*, and only *auxiliary* to those "great aims and objects." Neither Law nor Departmental Regulation has adopted this conclusion, whatever force it may claim from reasons of State. The whole Navy itself, with all its constituents, material and moral, is but in the nature of auxiliary means to an end; auxiliary to the very motives and reasons of State that dictated its creation. There is nothing in the nature or reason of things, nothing in positive law or arbitrary regulation, that enables us to

lay our finger on any one of the constituents, material or moral, of a Navy, and to say this is a principal means, that but auxiliary. Neither the mere gradations in the ranks of Officers, nor the greater or less importance or efficiency of auxiliary means, are sufficient to impress on any one set of means the character of *principal*, and, on another, the character of *auxiliary*.

In conclusion, it is clear that the assimilated rank of Surgeons and Purser is left undetermined both by positive law, and the Regulations prepared by the Navy Commissioners: that their official duties must frequently and necessarily bring them into such official relations to Officers invested with military commands as imperatively call for some adjustment of relative rank between them, in order to avoid confusion, and other mischiefs to the Service; that those inconveniences demanded an adequate and speedy remedy: and that they have been met by a remedy reasonable and unexceptionable in itself, and perfectly agreeable to all the analogies of military law and usage in general, and especially of military law and usage in our own Service.

That such a regulation is clearly within the constitutional competency of the Executive I have maintained in a former opinion given to the gentlemen interested in the question: and that such opinion is borne out by express and repeated decisions of the Supreme Court, asserting an extent of inherent power and jurisdiction in the Executive, on the subject of military rules and regulations, very far exceeding the limits of any authority necessary to support the Naval Order in question, is clear from the cases already referred to.

W. JONES.

WASHINGTON CITY, *March* 23, 1848.

[K.]

Nos. 1, 2, and 3.

No. 1. *ABSTRACT OF A MEMORIAL TO CONGRESS, EXHIBITING THE PRINCIPLES OF "AN ACT TO REORGANIZE AND INCREASE THE EFFICIENCY OF THE MEDICAL DEPARTMENT OF THE NAVY."*

THIS Bill, unanimously agreed on by the Naval Committee of the House of Representatives, was reported to that body on the 6th, and tabled on the 7th of January, 1869.

The main features of the Bill are set forth in the subjoined remarks, which embody the substance of the *Memorial*, that accompanied it, to both Houses of Congress.

The Bill is the result of careful and deliberate examination of numerous plans and suggestions; and is based on the interests of the Navy, and the requirements of the Medical Corps.

It is evident that *radical change is absolutely necessary*, from the fact that, in 1864, one hundred and thirty-two (132) Physicians positively declined *permanent* appointments in the Navy, stating, however, that, as a *matter of principle*, they had been willing to serve *during the war*.

Since 1862 there has been great difficulty in providing for the Medical wants of the Service; and, at the present time, over fifty (50) vacancies exist, notwithstanding the opportunity afforded by an almost continuous session of a Naval Medical Examining Board during the last three years. The *cause* of this unfortunate condition is that there is no *incentive, present or prospective*, to induce Medical Men of culture and ability to enter, or remain in, a service, which assigns to them position and pay less than to their associates of the Line.

The Medical Corps, having failed to secure a recognition of their war services, again appeal to Congress to give them the position asked for in the Bill, which they think just, and required by the interests of the Navy.

The Bill provides that Medical Officers, detailed for duty at sea, shall be junior in rank to the Commanding Officers of their respective ships, and thus obviates the great objection constantly urged by the Line, that Surgeons sometimes rank the Commanding Officers.

The Bill is based on *subordination*, and the *actual require-*

ments of the Medical Department as to the numbers and duties of each grade : it offers an incentive to all, and, by its systematic arrangement, reduces uncertainty to certainty ; and, though rapid promotion and high rank at sea are waived, a definite status, with *distinctive professional titles* indicative of long *service* and *position*, that *cannot be confounded with those of the Line*, and the *restriction of command to the Medical Department alone*, will produce the harmony so greatly desired by the true friends of the Navy.

Let us hope that the unfounded prejudices of all branches of the Service will vanish before a fair criticism of a measure founded *on justice to all*.

SYNOPSIS.

1. This Bill simply *classifies* Medical Officers, and *defines their duties*.

2. It takes from *no Officer* in the Navy any privilege, nor in any manner detracts from the authority of any Line Officer.

3. It gives no additional right to quarters.

4. It rewards age and long service at sea with duties ashore, where conflict of rank rarely occurs.

5. It promotes harmony by sending to sea *no Medical Officer of higher rank than the Commanding Officer*.

6. *It confers on Medical Officers no right to command*, except in their own department.

7. *It gives professional titles, not to be confounded with those of the Line*, indicative of age and service.

8. It asks for no increase of numbers, and little, or no, increase of pay.

9. The Fleet Surgery, which has existed by appointment of the President for forty years, and which was recognized by Law in 1854, is by this Bill established as a grade, under the title of "Medical Director," as shown in the subjoined Tables.

10. It gives to the Navy the practical organization of the Army Medical Corps, (so successfully tested during the war, and now adopted by some Continental European armies,) and confers the "*Substance*" of rank on the Medical Corps of the Navy instead of the "Shadow," as the Line now declare it to be. It endows the present inanimate body with a soul, and vitalizes its existence, by doing away with an "assimilated" and establishing in its place a *positive* position or rank in accordance with the true principles of military organizations.

NO. 2. REASONS IN FAVOR OF THE ACT.

1. It is believed that efficiency in every branch of Military organization is best fostered, when its plan secures to its officers advancement, through a series of progressive stages; from the *lowest to the highest within, say, twenty-five years*, which is about a full average period of vigor *after the date of legal maturity*.

2. The scheme submitted is to divide the commissioned officers of the Medical Staff of the Navy now allowed by law into six classes, and to create a grade for each, *with a title appropriate to the Medical Profession*, and similar to the titles assigned to *Medical Officers in European Navies*, and in the *Army of the United States*. They are definitely distinctive, and *cannot* be confounded with the titles given to the officers of the different grades of *the Line of the Navy*.

3. These titles are Medical Director General, Medical Inspector General, Medical Director, Surgeon, Passed Assistant Surgeon, Assistant Surgeon.

4. It requires, that promotion from the grade of Passed Assistant Surgeon, in which *Staff rank* is attained, and fixed *only by a competitive examination*, shall be in the *order of seniority*.

5. It designates a limited sphere of sea and shore duty, appropriate to each of the proposed grades, a feature suggested by the statutes and customs, which allot a *limited sphere of duty* to each grade of *the Line*. Inasmuch as no Medical Officer whose rank is above the grade of Commander would, under the proposed Law, be detailed for duty afloat: and as duties on shore suitable to Medical Officers of the highest grades and of most experience are provided in positions of command of an almost isolated character, the *sea-going relations of Medical and Line Officers* would be rendered *harmonious*, and a discord of *long duration removed*.

6. By making Passed Assistant Surgeons eligible to be placed in charge of the medical department of second, third, and fourth-rate ships, and Assistant Surgeons eligible to the medical charge of fourth-rates, they are secured suitable quarters on board ship, and their official condition in the Service is improved.

7. It establishes the incentive of promotion in all grades, from Bayman to Director General, and affords reasonable hope to every one, from *the lowest to the highest* in the Medi-

cal Staff, that length of service *will bring its rewards*. And the effect of such hopeful belief will be to abate, if not *entirely annihilate*, the prevalent disposition to seek more promising fields than the *Navy* now offers to members of the *Medical Profession*. Resignations of Medical Officers are *so numerous*, and the number of candidates qualified to fill their places is *so small* that, according to the last Annual Report of the "*Chief of the Bureau of Medicine and Surgery*," there are no less than forty-eight (48) vacancies in the Medical Staff; and he expresses an opinion that this branch of the public service is threatened with *disintegration*, and that it can be averted only by effective Congressional action.

8. This scheme asks *no* higher grades, nor rank, for *Senior Surgeons* than those proposed by *Officers of the Line* in 1863 and 1864.

9. It provides non-commissioned grades in the Medical Staff with titles, or designations much *more appropriate*, it is believed, than *those now in use*, the objects being to induce intelligent and respectably educated men *to engage in the service* as Medical Cadets, who would include in their duties those of the *present* Apothecaries: and to secure as personal attendants to the sick and wounded a better class of men than those *who now engage as nurses*.

10. This plan of organization of the Medical Department is comprehensive. It has been devised with *proper regard* to the *just interests of the Government*, and of the persons who engage in its Naval Service. It is calculated to *increase the efficiency of the Navy*, by *removing a fruitful source of discordant opinions and misunderstanding*, between Line and Medical Officers. It is believed that the realization of the measure proposed will satisfy the wishes of Medical Officers. *without increasing their small number*, and without *taking from the Line or any Department of the Staff* any privilege or advantage, and *without creating any obstacle or hindrance* to embarrass the harmony of the Service.

No. 3. ABSTRACT OF THE ACT AND TABLES OF RANK.

Proposed Rank and Assignment of Service for the Medical Corps, in Bill reported to the House of Representatives, Jan. 6, 1869.

CHIEF OF BUREAU OF MEDICINE AND SURGERY

(TO BE EX-OFFICIO THE RANKING OFFICER OF THE CORPS.)

MEDICAL GRADES.	WITH RANK OF—	DUTIES.
Medical Director Generals	<i>Commodore</i>	For duty at Naval Hospitals and Laboratories, Presidents and Members of Retiring and Examining Boards, or special duty on Shore. For duty as Medical Directors of Squadrons, and of Naval Yards or Stations. To be Surgeons of 1st and 2d Rates, Executive Officers of Naval Hospitals, Surgeons of Rendezvous, Receiving Ships, Barracks, &c, or such other shore duty as Department may assign.
Medical Inspector Generals	<i>Captain</i>	
Medical Directors	<i>Commander</i>	
Surgeons	<i>Lieutenant-Commander</i>	
Passed Assistant Surgeons...	<i>Lieutenant</i>	To be Medical Officers of 2d or 3d Rates, Assistants on 1st or 2d Rates, and at Naval Hospitals, Yards, Rendezvous, Receiving-Ships, Barracks, and such other duty as Department may assign.
Assistant Surgeons	<i>Master</i>	To be Medical Officers of 3d or 4th Rates, Assistants on 1st, 2d, or 3d Rates, and at Naval Hospitals, Yards, Rendezvous, Receiving-Ships, Barracks, and such other duty as Department may assign.
Medical Cadets	<i>Midskipman</i>	<p>Non-Commissioned Staff of Department.</p> <p>(<i>In lieu of Apothecaries,</i>) to be Students of Medicine, or Graduates in Pharmacy. After five years' service, if qualified, may compete with civilians for Assistant Surgeoncies.</p> <p>A Chief-Bayman, after three years' service afloat in that grade, may be appointed a Ward-Master of a Naval Hospital.</p> <p>(<i>In lieu of Nurses.</i>) One to be appointed a Chief Bayman by the Surgeon, on vessels where two or more Baymen are allowed.</p>
Chief Baymen	<i>Petty Officer</i>	
Baymen	<i>Seaman</i> ...	

As many as the exigencies of the service require.

PROPOSED ASSIGNMENT OF SERVICE FOR MEDICAL CORPS.

Medical Director Generals.	Naval Laboratory.	Medical Directors.	Squadrons.
	Naval Hospital, New York.		Yards or Stations.
	" " Philadelphia.		Sick or waiting orders.
	" " Norfolk.		Rendezvous.
	" " Chelsea.		Receiving Ships.
Medical Inspector Generals.	" " Washington.	Surgeons.	Hospitals.
	" " Pensacola.		Naval Laboratory.
	" " Mare Island.		Naval Station, Mound City.
	Naval Academy.		Duty on 1st or 2d Rates.
	Medical Examining Board.		Sick, or Waiting Orders.
	Retiring Board.		{ Passed Assistant Surgeons, <i>for duty on 2d or 3d Rates.</i> Assistant Surgeons <i>for duty on 3d or 4th Rates.</i>
	Expert Duty.		
	Special Duty.		
	Sick or Waiting Orders.		

There are now in Commission 6 *First Rates*, 11 *Second Rates*, 21 *Third Rates*, and 20 *Fourth Rates*. Total, 58 vessels.

This scheme provides for **No Increase of Medical Officers**; it only classifies those now in the service and defines their duties. The 30 Senior Medical Officers are assigned permanent shore positions suitable to their grades, and the remaining 170 are assigned sea duties and minor shore stations.

An officer who has passed the Examination for promotion to Surgeon shall be advanced from grade to grade in the Medical Staff, only in the order of official seniority, as a vacancy occurs. Officers of the Medical Staff now on the *RETIRED AND RESERVED LISTS* shall have the same rank as those on the Active List of the same date of commission, and shall receive the same pay as retired Officers of the Line with whom they rank.

Comparative Rank of the Line and Medical Staff of the United States Navy, before the War.

(ORDER OF AUGUST 31ST, 1846; LEGALIZED, 1851.)

LINE GRADES.	MEDICAL GRADES.
Captain	Surgeons over 12 years, and Surgeons of the Fleet rank with <i>Commander</i>
Commander	Surgeons under 12 years rank with <i>Lieutenant</i>
Lieutenant	Passed Assistant Surgeons rank next after <i>Lieutenant</i>
Master	Assistant Surgeons not passed rank next after <i>Master</i>
Passed Midshipman	
Midshipman	

Table of Rank of Medical Staff in the British Navy.

(UNDER QUEEN'S REGULATIONS, 1867.)

Admiral	Director General of Medical Department
<i>Vice-Admiral</i>	Inspector Generals of Hospitals and Fleets
<i>Rear Admiral</i>	of 3 years.....
<i>Commodore</i> , 1st and 2d class.....	Inspector Generals of Hospitals and Fleets under 3 years.....
<i>Captain over 3 years</i>	Deputy Inspector Generals over 5 years...
" under 3 years.....	Deputy Inspector Generals of 5 years.....
<i>Commander</i>	Staff Surgeons.....
<i>Lieutenant of 8 years' standing</i> ...	Surgeons.....
<i>Lieutenant under 8 years' standing</i>	Assistant Surgeons of 6 years.....
<i>Sub-Lieutenant</i>	" "
<i>Midshipman</i>	" "

Table of Rank of Medical Staff in the U. S. Navy.

(ORDER 13TH MARCH, 1863.)

Admiral	Surgeons after 15 years and Surgeons of the Fleet.....
Vice-Admiral	Surgeons after first five years.....
Rear-Admiral	Surgeons for the first five years...
Commodore *.....	Passed Assistant Surgeons.....
<i>Captain</i>	Assistant Surgeons.....
<i>Commander</i>	
<i>Lieutenant Commander</i>	
<i>Lieutenant</i>	
<i>Master</i>	

N. B.—The Legal Rank of Medical Officers remains the same as in 1846.

* *The Chief of the Bureau of Medicine and Surgery ranks with a Commodore ex-officio.*

STATUS OF MEDICAL OFFICERS IN EUROPEAN NAVIES.

In RUSSIAN NAVY, Medical Officers attain the rank of **Vice-Admiral**. They are allowed an *increase of pay every FIVE YEARS*, and enjoy the *same honors and pensions as the Line*.

In SPANISH NAVY, Medical Officers attain the rank of **Vice-Admiral**, and enjoy, *EQUALLY* with the *Line*, naval honors, rewards and pensions, and count *SEVEN YEARS* on entering *for time occupied in studying profession*.

In FRENCH NAVY, Medical Officers attain the rank of **Rear-Admiral**. The *Surgeon-in-Chief* of a French Squadron is allowed *table money*, and messes with the Commander-in-Chief.

In AUSTRIAN NAVY, Medical Officers attain the rank of **Rear-Admiral**. They wear the same uniform, enjoy *the same privileges*, and receive the same *retired pay* as the *Line*.

N. B.—The rank of **Commodore** was proposed for the *OLDER SURGEONS* of the U. S. Navy, by a Board of Officers assembled in 1863; *TWO REAR-ADMIRALS* composing a majority of the Board. Again, in April, 1864, another Board, **exclusively of Line Officers**, proposed the same rank for sundry *SENIOR SURGEONS*.—*Extract from the Reports of "Bureau of Medicine and Surgery," 1863 and 1864.*

Table of Comparative Rank of Medical Officers in the Principal Navies of the World.

In British Navy.	In Russian Navy.	In Spanish Navy.	In French Navy.	In Austrian Navy.	In U. S. Navy.	Line Grades in U. S. N.
.....	Admiral.
.....	Vice-Admiral.
.....	Rear-Admiral.
.....	Commodore.
Vice-Admiral.	Vice-Admiral.	Vice-Admiral.	Rear-Admiral.	Rear-Admiral.	Captain.*	Captain.

* Remanded to *legal* rank of Commander, by "General Order" of April 1, 1869.

The *Memorial and Abstract* were signed by the 160 Medical Officers below named, the number, of all grades, named in the Navy Register, January 1, 1869, being 191. This fact shows much accord of view and purpose, and united action for a single plan. The *Abstract*, thus approved, embodies the features of the Bill, which was drawn in accordance with it, and which may, therefore, be regarded as the measure adopted by the Corps. After *revision*, the Bill was reported by the House Naval Committee on the 6th January, remaining, *in numbers and detail of duties*, very much as at first submitted, and may, therefore, properly be considered as representing the approved measure it supplanted. The *Abstract*, as we have said, received the subjoined signatures, showing a near approach to unanimity, and disproving the oft-repeated objection that Surgeons cannot agree among themselves as to what they want. Yet the Bill, thus *largely* adopted by the Corps, and *unanimously* approved by the House Naval Committee, failed to pass, on such *quod erat demonstrandum* arguments, urged in rapid succession by its Achillean opponent, as, "It is stated," (by whom was not stated;) "I am assured;" "I understand:" "I am told:" all in four successive sentences; fitting utterances after the cogent declaration, "This matter has been examined by an expert," which expert a search-warrant would fail to find.

ACTIVE LIST.

Wm. S. W. Ruschenberger, Surgeon, U. S. N.	Michael Bradley, Surgeon, U. S. N.
Wm. Maxwell Wood, Surgeon, U. S. N.	Adrian Hudson, " "
Jonathan M. Foltz, " "	Newton L. Bates, " "
Edward Gilchrist, " "	James H. Tinkham, " "
Jas. C. Palmer, " "	Stephen D. Kennedy, " "
Ninian Pinkney, " "	Edward S. Bogert, " "
David Harlan, " "	Grove S. Beardsley, " "
J. Dickinson Miller, " "	James S. Knight, " "
Joseph Beale, " "	Edward S. Matthews, " "
George Maulsby, " "	Louis Zenzen,* " "
William Grier, " "	John H. Clark, " "
J. Winthrop Taylor, " "	Adolph A. Hoehling, " "
James McClelland, " "	Benjamin H. Kidder, " "
John S. Messersmith, " "	Newton H. Adams, " "
Thomas M. Potter, " "	Wm. K. Van Reyden, " "
Andrew A. Henderson, " "	Adoniram B. Judson,† " "
Joseph Wilson, Jr. " "	Thos. C. Walton, Pas'd Asst. Surg., " "
Chas. Eversfield, " "	Theoron Woolverton, " "
Robert T. Maccoun, " "	Thomas Hiland, " "
Henry O. Mayo, " "	Douglass R. Bannan, " "
John Rudenstein, " "	Charles H. White, " "
William Lowber, " "	George W. Woods, " "
Charles Martin, " "	F. L. DuBois, " "
Francis M. Gunnell, " "	George H. Cooke, " "
James Suddards, " "	Luther M. Lyon, " "
Edward Shippen, " "	Heman P. Babcock, " "
Samuel F. Coues, " "	Gustavus S. Franklin,† " "
Jacob F. Dungan, " "	Thomas N. Penrose, " "
George Peck, " "	Edward D. Payne, " "
John M. Browne, " "	Samuel F. Shaw, " "
Thomas J. Turner, " "	Chas. H. Giberson,† " "
John Y. Taylor, " "	John T. Luck,† " "
William T. Hord, " "	George R. Brush, " "
John S. Kitchen, " "	Edmund C. Van Meulen, " "
Albert L. Gihon, " "	Daniel McMurtrie, " "
Edwin R. Denby, " "	Chas. J. S. Wells, " "
William Johnson, Jr., " "	Edward Kershner, " "
Richard C. Dean, " "	Henry S. Pitkin, " "
Phillip S. Wales, " "	William S. Fort, " "
Albert C. Gorgas, " "	John W. Coles, " "
Delavan Bloodgood, " "	William H. Jones, " "
Thomas Walter Leach, " "	James N. Hyde,† " "
William M. King, " "	James M. Flint, " "
Benjamin F. Gibbs, " "	David Mack, Jr., " "
David Kindleberger, " "	Wm. J. Simon, " "
William E. Taylor, " "	Charles L. Green, " "
James McMaster, " "	George A. Bright, " "
John J. Gibson, " "	Joseph B. Parker, " "
Chris. J. Cleborne, " "	Edward B. Bingham, " "
John C. Spear, " "	Howard M. Rundlett,† " "
Henry C. Nelson, " "	Wm. M. Reber,† Asst. Surgeon, " "
Somerset Robinson, " "	H. N. Beaumont, " "
John Paul Quinn, " "	Fred. W. Wunderlich, " "
Archibald C. Rhoades, " "	Hosea J. Babin, " "
	Granville B. LeCompte, " "

* Died of yellow fever, Nov. 22, 1868.

† Resigned.

ACTIVE LIST—*Continued.*

Edward Frothingham, Asst. Surg., U. S. N.	Alfred Griffith, Asst. Surgeon, U. S. N.
Robert Redington,* " "	George Otis Allen, " "
William V. Marmion, " "	William B. Jones, " "
George S. Culbreth, " "	Samuel W. Latta, " "
Jerome H. Kidder, " "	Robert A. Marmion, " "
Adam Trau, " "	William S. Willes, " "
Joseph G. Ayres, " "	Porteus A. Bielby, " "
Win. M. Nickerson, " "	Erasmus C. Dunning, " "
J. Albert Hawke, " "	Melancthon L. Ruth, " "
Edward C. Thatcher, " "	James M. Scott, " "
Adam Frank, " "	M. C. Drennan, " "

RETIRED LIST.

Charles Chase, Surgeon, U. S. N.	Daniel Egbert, Surgeon, U. S. N.
David S. Edwards, " "	Henry S. Reynolds, " "
Benjamin F. Bache, " "	Robert Woodworth, " "
Thomas Dillard, " "	John J. Abernethy, " "
James M. Greene, " "	John H. Wright, " "
Gustavus R. B. Horner, " "	John Thornley, " "
Thomas L. Smith, " "	William S. Bishop, " "
Lewis B. Hunter, " "	Albert Schriver, " "
George Clymer, " "	Robert L. Weber, " "
Isaac Brinkerhoff, " "	Edward M. Stein, " "

ACTING LIST.

Daniel C. Burleigh, Act. Pas'd Asst. Surg.	C. W. Knight, Assistant Surgeon.
William H. Pierson, " "	Thomas Owens, " "
George L. Simpson, " "	Ed. S. Perkins, " "
George L. Wheeler, " "	Reuben Smith, " "
William H. Faxon, Assistant Surgeon.	

* Resigned.

[L.]

EXTRACTS FROM THE REPORTS OF THE CHIEF OF
THE BUREAU OF MEDICINE AND SURGERY, NAVY
DEPARTMENT, FOR 1863 AND 1864.

Extract from the Report, December, 1863.

MEDICAL CORPS OF THE NAVY.

In closing this report, I deem it not only a grateful office, but a positive duty, to bear testimony to the faithful and efficient service of Medical Officers of the Navy since the outbreak of the war. In consequence of their comparatively small number, their service has been more continuous than has fallen to the lot of most others, from the inability of the Department to afford timely relief, or even much interchange of station.

The war brought its trials and novelties to the Medical Officer, as to those of other grades, and it affords me the highest satisfaction to state, as I think I can do with entire truth, that as a body they have proved themselves equal to every emergency; indeed, it is remarkable that the long interval of peace in which most of them had grown up found one and all so fully prepared for all the contingencies of battle. Not only have they served efficiently on shipboard, but the calls of the Army, whenever made, have been promptly and cheerfully answered. Seven Medical Officers of the Navy were despatched from the Western Gulf Squadron to the aid of the wounded after the attack on Baton Rouge by General Banks.

Assistant Surgeons Hazleton and Luck were detached from the South Atlantic Blockading Squadron to assist the wounded of the Army in the hospitals, Beaufort, South Carolina, after the attack on Charleston, South Carolina, by General Gilmore.

In the former instance, the Surgeon General of the Army expressed his acknowledgments of the service rendered.

During the year, two young officers of promise, Assistant Surgeons J. H. Gotwold and Edward A. Pierson, were killed in battle; eleven were taken prisoners by the enemy: seven have been exchanged, four are still retained, viz: Assistant Surgeon Luck and Acting Assistant Surgeons Shufy, Nestell, and Myers—the last-named is in close confinement in Richmond.

The improved condition of the Medical Officers as established in the Order of the Navy Department of March 13, 1863, seems to be hardly adequate to the services they have rendered, or commensurate with the social standing of the profession.

The results of the late wars of Europe have impressed upon its various Governments the necessity of extending to Medical Officers the same honor and advantages of rank which constitute so great an attraction and incentive to the military profession.

Within a few years Medical Men have been elevated to the rank of Rear-Admiral in the British Navy, and Major General in the British Army, while liberal pensions, the Order of the Bath, and Knighthood, are bestowed in cases of distinguished merit.

Medical Officers of the Navy are at liberty to retire after a full-pay service of twenty-five years, upon most liberal allowances, when compared with Line Officers: and, "in case of distinguished service, they receive a step of honorary rank."

The half-pay of a Vice-Admiral is £593. The retired pay of a Medical Inspector General varies from £547 to £684, the maximum being attached after thirty years' service.

The half-pay of a Rear-Admiral is £456; of a Deputy Inspector General from £383 to £465, according to length of service, the maximum being attained after thirty years' service.

The half-pay of the seventy senior Captains is £264: of the Staff Surgeons from £301 to £337, the maximum being attained in twenty-five years.

The half-pay of the next one hundred Captains is £228: of Surgeons, from £200 on promotion, to £246 after ten years' service.

Medical Officers are entitled to the same allowance for wounds and injuries received in action as Line Officers of similar rank; and their families are entitled to like allowance in case of death.

The humble condition of Medical Officers of the British Army previous to the royal warrant of October 1, 1858, awakened the earnest interest of the late Governor General of India, Lord Dalhousie.

In a minute upon the Reform of the Medical Service of India, his lordship observes:

"The Surgeon and Assistant Surgeon rank invariably with the Captain and Lieutenant; but the rank is only

nominal whenever Medical Officers and others are brought together on public duty. * * It is impossible to conceive how such a system as this can have been maintained so long on the strength of no better argument than that 'it has been, and therefore ought to have been.'

“It is impossible to imagine what serious justification can be offered for a system which, in respect of external position, postpones service to inexperience, age to youth; a system which gives a subaltern, who is hardly free from his drills, precedence over his elder, who perhaps has served through every campaign for thirty years; a system which treats a member of a learned profession, a man of ability, skill, and experience, as inferior in position to a cornet of cavalry just entering on the study of the pay and audit regulations; a system which thrusts down gray-headed veterans below beardless boys.”

In the French Navy promotion extends to the rank of Rear-Admiral, and in the Army to Brigadier General, and the “Legion of Honor” is as open, and advancement in it as certain, to Medical as other Officers.

The “*Médecin-en-Chef*,” or Fleet Surgeon, messes with the Commanding Officer of the Squadron, but pays no mess bill, the Government making an allowance therefor of twelve francs per day.

When the foundation of the “Legion of Honor” was under discussion in the Council of State, in May, 1801, General Matthew Dumas proposed that the institution should be confined exclusively to military men. The First Consul combatted such a narrow and invidious policy. “Such ideas,” said he, “might be more adapted to the feudal ages, when the chevaliers combatted man to man, and the bulk of the nation was in a state of slavery. * * * * What is it now which constitutes a great General? It is not the mere strength of a man six feet high, but the *coup d’œil*, the habit of foresight, the power of thought and calculation—in a word, civil qualities such as are found in a knowledge of human nature. The General who can now achieve great things is he who is possessed of shining civil qualities; it is their perception of the strength of his talents which makes the soldiers obey him. * * * *

“Not only does the General preserve his ascendancy over his soldiers chiefly by civil qualities, but when his command ceases he becomes merely a private individual. * *

“The tendency of military men is to carry everything by force; the enlightened civilian, on the other hand, ele-

vates his views to a perception of the general good. The first would rule only by despotic authority; the last subject everything to the test of discussion, truth, and reason. I have no hesitation, therefore, in saying that if a preference was to be awarded to one or the other, it belongs to the civilian."

The Council agreed that the proposed honor should not be confined to military service.

In the Russian Army, Medical Officers are progressively advanced from the rank of Captain to that of General, and the same honors and pensions are bestowed with equal liberality. After the first six years' service, Medical Officers receive increased pay, which continues after each succeeding five years.

In the Belgian Army, promotion extends to the rank of Major General, and the relative military position determines the amount of retired and half-pay. In calculating length of service for retirement, Medical Officers are permitted to count six years before they entered the service, as the time occupied in preparatory studies.

In the Dutch Army, promotion extends to the rank of Colonel.

In the Prussian Army, advancement continues to the rank of Colonel, and Medical Officers wear the same uniform as that of the corresponding military rank.

In the Sardinian Army, the highest rank of the Medical Corps is that of Major General.

In the Spanish Army, the advancement of Medical Officers extends to the rank of Lieutenant General. The Medical Inspector General holds the same rank and enjoys the same privileges as the Inspector General of the different arms. Medical Officers receive the same rates of retired pay as the corresponding military ranks. They are permitted to count as seven years' service the time passed in preparatory studies.

The Director General has the power to recommend Medical Officers for certain distinctions, as the "Cross of Scientific Emulation," the "Cross of Isabella, the Catholic," the "Cross of Charles III," and the "Cross of St. Ferdinand."

In the Spanish Navy, the rank of Medical Officers is established upon the same liberal and satisfactory basis.

In the Bavarian Army, Medical Officers attain the rank of Colonel, and wear the same uniform as other Officers of similar relative rank. When unfit for service from age or disease, the pension nearly equals their full pay.

In the Austrian Army, the rank extends to Major General.

and Medical Officers enjoy the same honors and privileges as corresponding military ranks—wear the same uniform and receive the same rates of retired pay.

If a Medical Officer die of wounds or exposure on duty, the pension to his family is equal to two-thirds of his pay; if from other causes, to one-half of his pay.

The Director General is *ex-officio* a member of the Aulic Council, and receives, as such, a liberal addition to his salary.

In the Army of Portugal, Medical rank extends to the grade of Colonel.

I refer to these facts merely to illustrate how unfounded is the idea that Medical Officers of the Navy, in desiring a proper position in an artificial organization, are striving for novel expedients, or dangerous precedents. The experience of the civilized world seems to have acquiesced in the propriety of giving to every person in military life a position somewhat appropriate to the importance of his duties; and though long periods of peace had assured to the military branch an exclusive preëminence and power, recent events most plainly demonstrate that it requires as much intellect, training, as high an order of moral qualities, to insure efficiency to the Medical Department as to any other branch of military service. It is now esteemed not less important to preserve life than to destroy it; and he who stands unmoved amid the unseen arrows of the pestilence in the performance of his humane duties surely evinces no lower order of courage than he who encounters the visible perils of war in another sphere.

The health and consequent physical efficiency of an army or a fleet, in time of war, demands much care, solicitude, and watchfulness; and the State is mindful of its true interests when it encourages talent, zeal, and usefulness in so important a service.

The rank of Captain, recently conferred on the Senior Surgeons, is not positively of as much value as their former rank of Commander, at the time the second grade of the Navy, while that of Captain is now the third; so that promotion has reduced them one step in the military scale. In point of sea service there are Medical Officers who surpass some of the Admirals and Commodores; and relatively to length of service, the sea service of many Medical Officers is larger than that of the Senior Officer of the Line.

As preferment has been liberally bestowed upon Line Officers, four new grades having been created since the beginning

of the war, it is not, I hope, presumptuous to propose that those who have equally shared the perils of battle and dangers of climate, whose labors have been so great, and whose rewards have been so few, may, at last, receive a fitter recognition of their fidelity and usefulness.

The war showed the absolute necessity of offering higher inducements in the shape of rank, &c., to Medical Officers of the Army; and who will deny that the Medical Corps of the Navy, so isolated, and necessarily so self-reliant, should embody the best talent and the highest professional and social character the Government can invite to its service?

Some two years since the Medical Department of our Army was so reorganized as to make its chief Officer a Brigadier General in rank, pay, and emoluments; the Assistant Surgeon General and Medical Inspector General, Colonels; the Inspectors, (16 in number,) Lieutenant Colonels, &c., &c. The result does not appear to have been disastrous to the discipline or efficiency of the Army in any respect.

I am so well aware of the feeling existing on this subject, that I should forbear to introduce it did I not as fully know the worth and patriotism of those whose case I plead.

I can safely refer to the records of the war for any instances of shortcoming, or lack of zeal and interest; and yet while, as a Corps, Medical Officers have proved so vigilant and efficient on every occasion of danger or duty, it is but seldom, indeed, that they receive a passing notice in official despatches, as is so commonly the practice in the Army.

Perhaps some reorganization of the Medical Department might overcome the indisposition to enter the Naval Service now so generally manifested by young Medical Men. We have very considerable difficulty in keeping up the number of Officers of the permanent Service, while it requires all our exertions to provide indifferently for the temporary Service.

Many vessels are in commission without Medical Officers: for the simple reason that, after all sorts of publicity, we cannot procure them in sufficient numbers.

REPORT OF DECEMBER, 1864.

MEDICAL CORPS OF THE NAVY.

I ventured to bring to the notice of the Hon. Secretary of the Navy, in my last annual report, some considerations having reference to a reorganization of the Medical Department of the Navy, so as to place it in better harmony with

the growth and expansion of other branches of the service, and to adapt it more efficiently to the vast and peculiar responsibilities which a state of war imposes.

I am impelled to renew the subject, under a sense of what is due to the faithful, zealous officers, whom it devolves upon me to represent, as well as upon a review of the action of Congress, which has, in many instances, acknowledged the value of efficient service in Staff Departments, by higher rank, and more liberal compensation.

I believe I may add, to what I have hitherto stated, that the Medical Corps of the Navy is now about the only, if not *the* only, branch, of either Navy or Army, that retains the organization of peaceful times, when occasions were few or rare to demand the highest order of professional attainment, or the prompt exercise of the qualities of mind and character upon which life, or even the successful issue of military enterprises, may, in a measure, depend.

The deplorable experiences of recent European wars brought about a general reorganization of the Medical Department of the various Governments, by absolutely compelling attention to a service, which, though it has not the showy achievements of the sword to attract the public gaze, yet, in its silent ministrations of humanity and usefulness, is so powerful to maintain the military forces in the efficiency which insures fame and promotion to those who wield them. War has been described by one of no small experience as a "problem of sanitary science," because it is well known that disease kills and disables more than shot and shell. If this be true, the men who bring to the public service, *at their own expense*, the qualities and attainments to conduce to great results, ought surely not to be ignored in the distribution of honors and rewards.

The subject of assimilated rank of Staff Corps in military organizations has been worn thread-bare by profitless discussion, more frequently betraying more sentiment, or personal feeling, than reason.

The practice of the civilized world, in this particular, is more conclusive of its propriety, if not necessity, than any appeal to passion for, or against, the principle.

The fallacy that rank and command are necessary sequences is sufficiently exposed by the action of Congress in repeated instances.

The Judge Advocate General, created by an act of the present Congress, is a Brigadier General in rank, pay, and emoluments: and his assistant is a Colonel in the same relations.

It would require sharper acumen than has exercised itself upon the vexed question to maintain the connection between this judicial office and military command, or to seek to ignore the law, because no provision is made for command, which many contend to be an absolute corollary.

Various grades of Army Medical Officers have the rank, pay, and emoluments of Brigadier General, Colonel, Lieutenant Colonel, Major, &c., without any allusion to the right, or otherwise, of command.

Indeed, it is believed that no branch of the Army now exists which has not been harmonized into a general system, by investing its members with military position; and, although promotion in some Staff Corps is apparently limited by law, exalted service has earned for zealous and efficient incumbents the honors of higher preferment by brevet.

The system of equally rewarding Staff service by promotion and pay must have its advantages, or it would not have been adopted, or continued in such an enlightened organization as the Army; and, if it has advantages, the Navy should not hesitate to adopt the same means to secure the same results.

And, though the Army practice has been marked with considerable liberality, its military efficiency, and spirit, are not, apparently, in the slightest degree impaired by its recognition of merit, as conducive to public results, without any reference to the sphere or calling of the individual who exhibits this merit.

And, while it may not increase the skill of a professional man, that he is assimilated in pay and position to a General, it certainly inspires him with more zeal and energy to find that his Government not only exacts no sacrifice of professional pride, or status, in accepting its service, but that it offers equally to him, as to others, all the honors and rewards which capacity, industry, and fidelity should command.

And, as a signal illustration of the reward that follows efficient Staff service in the Army, the Medical profession has hailed with pleasure a recent official announcement that a Medical Purveyor, with the rank of Major, has been advanced to the rank and emoluments of Brigadier General, for the diligent and zealous discharge of his duties.

His less fortunate brethren of the Navy rejoice at the compliment so gracefully paid to the profession; and labor not the less earnestly in their vocation, because they still hopefully await some similar evidence that the laborer may be found worthy of his hire.

The highest rank attained by a Medical Officer of the Navy is reached in less than half the period of service by members of other Staff Corps, and the pay that attaches to a Medical Officer in charge of a Fleet inures to members of other Staff Corps upon similar advantageous terms. The office of "Surgeon of the Fleet" brings with it no additional rank, because every officer holding such appointment is entitled to his rank by seniority, and not by his temporary office.

It can hardly be necessary to refer to the complicated and arduous duties of a Medical Officer, charged with the many and grave responsibilities of a squadron of eighty or one hundred vessels, in a time of war, when so much of his assistance is made up of the inexperienced persons whom our necessities compel us to employ.

The mere clerical duties of a Fleet Surgeon, or Hospital Surgeon, with three hundred and fifty or four hundred patients under daily charge, are nearly as great as those incident to the accounting department of a frigate, and yet they are only additions to other weighty responsibilities: for no provision for clerks, or writers, is made, under any circumstances, for Medical service.

The Medical Service, for some reason not well perceived, is apparently made the standard of rank for other Staff Corps, without reference to the widely dissimilar duties, acquirements, or trust; and I believe our Navy presents the only instance of such a distribution of rank, or pay. The more systematically organized navies of Europe are certainly exempt from this peculiarity.

The position and pay of Medical Officers of the Navy must have much to do with the difficulty experienced in obtaining the number adequate to our necessities.

Though a Medical Board has been in continuous session for a year, the permanent Corps at this day presents ten vacancies; and, while the opportunities for temporary appointments are offered by facilities for examination at Portsmouth, N. H., Boston, New York, Philadelphia, Washington, Chicago, Cairo, and in the various squadrons, we cannot find enough qualified persons to accept appointments.

The Army offers such greater inducements that, as a general rule, it appropriates nearly all the available Medical talent.

This should not be so, for in time of war, when the chances of continued conflict are superadded to the risks of climate, and exposure, it should be the endeavor of the Government

to confide the life, and health, of those upholding its honor, to no doubtful or improper hands.

While the Army offers pecuniary inducements of from thirty-three to fifty per cent., perhaps, greater than is awarded to similar service in the Navy, it is not to be expected that the latter will attract the character and attainments which are so desirable, and, indeed, so necessary; and the only plan that suggests itself to me, to remedy a pressing difficulty, is to equalize the inducements of the respective services, so as to give the Navy a fairer opportunity for competition.

So long as the rates of pay of the Junior Medical Officers of the Navy are barely more, if indeed as much, as mechanical or clerical pursuits now command, it would be unreasonable to expect that a man would give his education, and time, to the Navy, for such disproportionate compensation and position.

It is to be borne in mind that in time of war, or during a battle, Medical Officers are called upon to decide promptly, upon their sole responsibility, grave questions involving life, or limb—such questions as in private life are made the theme of much study, and learned consultation—as it often happens the Medical Officer is far removed from all opportunity of assistance.

It is not the mere act performed, but the judgment and knowledge that determine the wisdom and fitness of the act, which attest the usefulness and value of the Surgeon.

To illustrate the difficulties we have to meet in providing for the Medical Service of the Navy, I submit the following statements:

BETWEEN JANUARY 1, 1861, AND THE CLOSE OF THE YEAR 1863.

Permits issued to candidates for appointment in the Regular Service.....	270
Approved for appointment.....	99
Withdrawn and rejected.....	171

SINCE JANUARY 1, 1862.

Acting Assistant Surgeons examined for <i>permanent</i> appointment.....	55
Approved for appointment.....	16
Withdrawn and rejected.....	39

SINCE JANUARY 1, 1862.

Candidates examined for <i>acting</i> appointments.....	188
Approved.....	86
Rejected.....	102

As I have previously stated, these latter have been examined at various points, from Portsmouth, N. H., to Cairo, and in the different Squadrons.

Acting Assistant Surgeons offered the opportunity of examination for <i>permanent</i> appointment since June 15, 1864.....	36
Declined	32
Examined and appointed.....	3
Examined and rejected.....	1

All of those declining assign pretty much the same reason, that they are willing to serve, as a matter of principle, or duty, *during the war*, but desire *no permanent* place under the Government.

Persons applying for examination as Acting Assistant Surgeons, and offered the opportunity of examination for <i>permanent</i> service.....	30
Declined.....	30

The examination for *acting* appointments is necessarily below the standard for *permanent* appointments, though it covers the same grounds—a fair knowledge of business, sufficient educational attainments, and professional knowledge enough to discharge the ordinary duties of a Medical Officer.

Changes in the Medical Corps since January 1, 1864.

SURGEONS DIED—DISEASE ORIGINATING—

In line of duty.....	4
Surgeons resigned.....	1
	— 5

PASSED AND OTHER ASSISTANT SURGEONS.

Resigned.....	13
Dead—disease originating in duty.....	2
Drowned in service.....	2
	— 17
Total	22

ACTING ASSISTANT SURGEONS.

Resigned	38
Died in service	5
Drowned in service.....	2
Dismissed	7
	— 52
Total	74

There are now ten additional resignations before the Department, which are not accepted because of the existing impossibility of supplying the vacancies.

A common reason for resignation is to accept the more eligible service of the Army.

No application for appointment, either in the permanent or temporary service, is now before the Department, nor has any such application been received during the past six weeks. It cannot be said that Medical Men manifest an especial desire for office, if the ordinary inferences are to be deduced from these facts.

NOTES.

1. According to the Report of the Hon. Secretary of the Navy, of December 5, 1864, the Navy consists of vessels.....671

All of which require Medical Officers the larger vessels more than one.

Shore Stations, as Hospitals, Receiving Ships, Recruiting Depots, &c., require Medical Officers..... 77

748

The Medical Corps, under its present organization, consists of—

Surgeons 80

Passed and other Assistant Surgeons.....120

200

Vacancies existing, and which cannot apparently be filled under the present inducements..... 12

188

Acting Medical Officers...247

435

Leaving without Medical Officers, vessels..... 313

2. Casualties in the Medical Corps during the year ending December 31, 1864.

SURGEONS.

Dead	7
Resigned	2

PASSED AND OTHER ASSISTANT SURGEONS.

Resigned	13
Dead	4
Drowned in service.....	2
	28

ACTING ASSISTANT SURGEONS.

Resigned	47
Died in service.....	6
Drowned in service.....	2
Dismissed	8
	63

Total	91
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Since September 1, 1864, permits have been granted or offered to applicants for temporary appointments...	61
Examined and approved.....	10
Rejected.....	11
No notice taken of the permit after issue.....	40
	61

3. Acting Assistant Surgeons offered the opportunity, and declined.....	33
Applicants for acting appointments offered the opportunity for permanent appointment, and declined.....	30
Persons to whom permits for examination were issued, but not subsequently noticed	40
	103

Thus, within a few months, upwards of one hundred persons have declined appointments in the Medical Department of the Navy.

The pay of an Assistant Surgeon or Acting Assistant Surgeon is, per year, at sea.....	\$1,250 00
Value of ration, if commuted.....	91 25
	<hr/>
	\$1,341 25
Or per month.....	111 77

A suit of uniform clothing, consisting of overcoat, frockcoat, vest, pants, and cap, will cost, at the lowest price in this city, about	\$230 00
Add estimated cost of mattress, bedding, &c.....	50 00

Making an indebtedness at the start for necessities of about.....	\$280 00
-------------------------------------------------------------------	----------

Next follows an equal share of the mess outfit, for furniture, provisions, &c., say \$100, and subsequently a monthly mess bill of from \$40 to \$50.

A Medical man bringing a profession, obtained at his own expense, and qualified to practice it anywhere, enters the Naval Service with a debt of some \$400 : add \$480, (the mess bill per annum,) and there is left of his yearly pay \$461, out of which to provide the many necessities of clothing, wash bill, &c., which would absorb every dollar. He will hence give his time and profession for not a liberal support, casting aside the exposures of war, climate, &c.

It must be obvious, from these facts, that the possibility of furnishing competent Medical aid to the Navy, upon the present inducements, is almost exhausted. The plan of advancing Surgeons' Stewards to Acting Assistant Surgeons has been tried in vain. Indeed, many small vessels are now in charge of "Surgeons' Stewards;" and it may readily be inferred what amount of Medical skill is obtained at \$40 per month, out of which the expense of subsistence and clothing is to be defrayed.

The war has proved so exhaustive of the Medical profession, that the opportunities of private practice at home were never more inviting ; and unless the Government is prepared to make an Officer's rank, and pay, somewhat akin to what he might reasonably expect for his labor and skill in private life, it is hardly to be expected that he would abandon such advantage for the public service.

In military hospitals established in our large cities, and, indeed, extensively throughout the country, the Army authorities engage the services of the best local Physicians as contract Surgeons, with liberal pay and allowances, when it is considered they are not required to leave their homes to encounter the perils of war.

There are so many circumstances operating to the disadvantage of the Medical Corps of the Navy, that a pretty radical change must be effected to render it sufficiently attractive to the kind of persons to whom the life and

health of the officers and men of the Navy should be confided.

The rank of Commodore was proposed for the older Surgeons of the Navy by a Board of Officers assembled in 1863—two Rear-Admirals composing a majority of the Board.

Again, in April, 1864, another Board, exclusively of Line Officers, proposed the same rank for sundry senior Surgeons.

In the Army, according to recent public announcement, four Surgeons, with the rank of Major, have been promoted to be Colonels, and one a Lieutenant Colonel.



[M.]

ASSIMILATED RANK OF OFFICERS OF THE U. S. NAVY,

Proposed by the Board on Regulations, (Line Officers,) 1864.

REAR-ADMIRALS.

OFFICERS RANKING AS REAR-ADMIRALS.

RANK.	NAMES.	AGE.		SERVICE.	
		Years.	Months.	Years.	Months.
Rear-Admiral	D. G. Farragut	62	6	53	0
Do.	L. M. Goldsborough	58	10	51	6
Do.	S. F. Dupont	60	3	48	0
Do.	C. H. Davis	56	11	40	5
Do.	J. A. Dahlgren	54	2	37	11
Do.	D. D. Porter	50	6	34	11

COMMODORES.

OFFICERS RANKING AS AND WITH COMMODORES.

RANK.	NAMES.	AGE.		SERVICE.	
		Years. *	Months. *	Years.	Months.
Naval Constructor.	Francis Grice			46	8
Commodore	C. Ringgold	61	4	44	9
Surgeon	G. R. B. Horner	59	6	37	7
Do.	W. S. W. Ruschenberger	56	4	37	5
Do.	Wm. Johnson	60	0	37	4
Commodore	J. L. Lardner	61	1	43	5
Surgeon	W. Whelan	55	4	35	11
Do.	L. B. Hunter	59	3	35	11
Commodore	T. T. Craven	55	0	41	8
Paymaster	E. T. Dunn	52	11	32	10
Surgeon	G. Clymer	59	5	34	6
Do.	I. Brinkerhoff	61	7	34	6
Do.	W. M. Wood	54	7	34	7
Do.	Solomon Sharp	57	5	34	3
Commodore	H. K. Hoff	58	0	40	2
Do.	H. H. Bell	58	7	40	5
Do.	W. Smith	61	0	40	10
Do.	J. W. Livingston	59	7	40	10
Do.	H. K. Thatcher	57	7	40	10
Do.	W. D. Porter	53	10	41	0
Do.	J. S. Missroon	58	7	39	6
Paymaster	T. M. Taylor	61	10	29	2
Surgeon	J. M. Foltz	53	8	32	9
Commodore	R. P. Hitchcock	59	3	39	0
Do.	J. Lamman	52	5	39	0
Do.	T. Turner	56	0	38	8
Do.	C. H. Poor	54	7	38	10

Age and Service made up to December 31st, 1863.

* Not Registered.

OFFICERS RANKING AS AND WITH COMMODORES—(Continued.)

RANK.	NAMES.	AGE.		SERVICE.	
		Years.	Months.	Years.	Months.
Professor	J. H. C. Coffin.....	48	4	27	11
Commodore	T. A. Hunt.....	58	5	38	11
Do.	S. W. Godon.....	51	6	44	10
Do.	J. S. Palmer.....	53	3	39	0
Do.	William Radford.....	55	3	38	10

CAPTAINS.

OFFICERS RANKING AS AND WITH CAPTAINS.

RANK.	NAMES.	AGE.		SERVICE.	
		Years.	Months.	Years.	Months.
Captain	John M. Berrien.....	59	0	38	10
Do.	Alfred Taylor.....	52	7	39	0
Do.	Samuel P. Lee.....	51	11	38	1
Do.	John P. Gillis.....	69	4	38	1
Surgeon	Edward Gilchrist.....	51	10	31	11
Do.	John A. Lockwood.....	52	0	31	11
Captain	James P. McKinstry.....	56	11	37	11
Do.	Oliver S. Glisson.....	54	11	37	2
Do.	Stephen C. Rowan.....	55	0	37	11
Do.	G. Gansevoort.....	51	6	40	10
Do.	M. Smith.....	53	7	37	10
Paymaster	R. Pettit.....	59	10	26	9
Captain	C. Price.....	58	1	37	11
Do.	J. R. Goldsborough.....	54	6	39	2
Do.	C. S. Boggs.....	52	11	37	10
Do.	A. H. Kilty.....	56	1	42	6
Do.	T. P. Greene.....	53	6	37	10
Paymaster	Horatio Bridge.....	57	9	25	10
Surgeon	M. G. Delaney.....	53	3	30	10
Naval Constructor.	John Lenthall.....	*	*	25	11
Professor	A. G. Pendleton.....	44	9	25	10
Captain	P. Drayton.....	51	4	36	1
Do.	J. F. Green.....	52	1	36	2
Do.	J. DeCamp.....	51	3	36	3
Do.	C. W. Pickering.....	50	0	41	8
Do.	W. M. Walker.....	51	4	36	2
Professor	Mordecai Yarnall.....	47	8	24	11
Captain	J. A. Winslow.....	52	2	36	11
Do.	H. Walke.....	54	0	36	11
Surgeon.....	J. C. Palmer.....	52	6	29	9
Do.	N. Pinkney.....	52	7	29	9
Captain	T. A. Jenkins.....	52	1	35	2
Do.	J. Rodgers.....	51	5	35	8
Do.	J. B. Marchand.....	55	4	35	8
Do.	W. R. Taylor.....	52	2	35	9
Do.	B. F. Sands.....	51	11	35	9
Paymaster	J. D. Gibson.....	58	1	23	7
Captain	H. S. Stellwagen.....	54	2	35	9

Age and Service made up to 31st December, 1863.

* Not registered.

OFFICERS RANKING AS AND WITH CAPTAINS—(Continued.)

RANK.	NAMES.	AGE.		SERVICE.	
		Years.	Months.	Years.	Months.
Paymaster	J. B. Rittenhouse.....	52	6	23	5
Captain	D. B. Ridgely	50	5	35	9
Naval Constructor.	S. M. Pook.....	*	*	23	0
Captain	C. Steedman.....	52	3	35	9
Do.	J. Alden.....	53	9	35	9
Do.	A. L. Case.....	50	11	35	9
Do.	A. M. Pennock.....	49	3	35	9
Do.	J. L. Worden.....	45	10	29	11
Do.	Geo. F. Emmons.....	52	4	35	9
Do.	E. Middleton.....	53	1	35	9
Do.	G. H. Scott.....	51	7	35	6

Age and Service made up to 31st December, 1863.

COMMANDERS.

OFFICERS RANKING AS AND WITH COMMANDERS.

RANK.	NAMES.	AGE.		SERVICE.	
		Years.	Months.	Years.	Months.
Commander.....	D. McDougal.....	54	3	35	9
Surgeon.....	D. Harlan.....	49	1	28	10
Do.	R. Woodworth.....	50	8	28	10
Commander.....	J. J. Almy.....	48	8	34	11
Chaplain.....	F. W. Taylor.....	60	5	22	8
Professor	Mark H. Beecher.....	56	9	22	6
Commander.....	T. A. M. Craven.....	51	0	34	11
Do.	J. H. Strong.....	49	8	34	11
Do.	J. M. Frailey.....	54	8	35	8
Surgeon.....	J. Dickinson Miller.....	53	2	27	1
Do.	John L. Fox.....	53	0	26	10
Commander.....	E. G. Parrott.....	48	1	32	1
Do.	L. C. Sartori.....	51	7	34	11
Do.	J. P. Sanford.....	46	4	31	11
Paymaster.....	G. H. White.....	51	6	22	4
Do.	H. M. Hieskell.....	50	2	22	4
Surgeon.....	J. Beale.....	49	0	26	4
Do.	S. W. Kellogg.....	54	10	26	4
Do.	C. D. Maxwell.....	57	2	26	4
Do.	J. J. Abernethy.....	59	0	26	11
Chaplain.....	C. Newell.....	60	6	22	4
Do.	C. B. Barstow.....	57	2	22	4
Do.	J. Stockbridge.....	52	6	22	4
Do.	P. Fisk.....	52	6	21	10
Professor	H. H. Lockwood.....	49	5	22	2
Surgeon.....	Geo. Maulsby.....	53	0	25	10
Do.	W. Grier.....	47	3	25	10
Do.	J. W. Taylor.....	46	4	25	10
Do.	S. Jackson.....	46	9	25	6
Do.	Jas. McClelland.....	49	9	26	11
Do.	John S. Messersmith.....	51	7	26	11

* Not Registered.

OFFICERS RANKING AS AND WITH COMMANDERS—(Continued.)

RANK.	NAMES.	AGE.		SERVICE.	
		Years.	Months.	Years.	Months.
Commander.....	J. F. Armstrong.....	46	1	31	10
Paymaster.....	C. Murray.....	62	0	20	9
Commander.....	W. A. Parker.....	48	0	31	6
Do.	Wm. Ronckendorf.....	51	2	31	10
Do.	W. E. Le Roy.....	45	9	31	11
Do.	R. N. Stembel.....	53	0	31	9
Do.	G. Colvocoresses.....	*	*	31	10
Do.	J. R. M. Mullany.....	46	2	31	11
Paymaster.....	G. F. Cutter.....	44	4	19	7
Commander.....	C. R. P. Rodgers.....	44	2	30	9
Chaplain.....	N. Frost.....	*	*	19	3
Commander.....	J. C. Williamson.....	*	*	31	11
Paymaster.....	J. H. Watmough.....	41	5	19	1
Commander.....	A. G. Clary.....	48	5	31	8
Surgeon.....	J. O'C. Barclay.....	48	4	24	2
Do.	T. M. Potter.....	48	4	24	2
Paymaster.....	J. O. Bradford.....	48	10	18	10
Chief Engineer.....	W. W. W. Wood.....	45	7	18	9
Paymaster.....	J. G. Harris.....	54	2	18	4
Do.	E. C. Doran.....	43	0	18	3
Professor.....	Arsene N. Girault.....	62	0	18	3
Naval Constructor.	B. F. Delano.....	*	*	17	5
Commander.....	N. B. Collins.....	49	8	29	11
Do.	H. A. Wise.....	44	8	29	10
Do.	Reed Werden.....	45	10	29	11
Commander.....	W. H. Macomb.....	44	6	29	9
Do.	S. D. Trenchard.....	45	6	29	2
Do.	A. D. Harrell.....	48	9	29	11
Paymaster.....	J. V. B. Bleecker.....	38	5	16	11
Do.	J. C. Eldridge.....	45	10	16	11
Commander.....	A. Murray.....	46	0	28	4
Do.	E. Donaldson.....	47	1	28	5
Do.	G. H. Preble.....	*	*	28	3
Surgeon.....	A. A. Henderson.....	47	10	22	9
Chaplain.....	John Blake.....	52	6	16	2
Surgeon.....	Lewis J. Williams.....	44	3	21	11
Do.	Marins Duvall.....	45	7	21	11
Commander.....	T. H. Stevens.....	44	7	27	0
Do.	T. Harmon Patterson.....	*	*	27	9
Do.	F. Key Murray.....	43	0	27	8
Do.	J. C. Howell.....	44	1	27	7
Do.	D. Ammen.....	43	8	27	6
Do.	H. Rolando.....	43	5	27	0
Do.	E. T. Nichols.....	40	10	27	1
Surgeon.....	J. Wilson, Jr.....	48	0	20	8
Do.	C. Eversfield.....	42	0	20	7
Commander.....	R. H. Wyman.....	41	5	26	10
Do.	E. A. Barnet.....	44	7	26	6
Do.	N. C. Bryant.....	40	9	26	0
Do.	G. B. Balch.....	43	0	26	0
Do.	F. A. Parker.....	42	5	26	10
Do.	R. Townsend.....	44	2	26	5
Chaplain.....	E. C. Bittinger.....	44	8	13	4

* Not Registered.

OFFICERS RANKING AS AND WITH COMMANDERS—(Continued.)

RANK.	NAMES.	AGE.		SERVICE.	
		Years.	Months.	Years.	Months.
Commander.....	John Guest.....	41	10	26	0
Paymaster.....	J. S. Gulick.....	46	8	12	11
Commander.....	D. McN. Fairfax.....	40	5	26	5
Paymaster.....	A. A. Belknap.....	48	5	12	10
Commander.....	J. M. B. Clitz.....	42	1	26	9
Do.	G. H. Cooper.....	41	5	26	5
Do.	A. Bryson.....	40	5	26	1
Do.	J. Downes.....	41	4	26	4
Do.	A. J. Drake.....	40	5	26	1
Do.	J. H. Spotts.....	41	10	26	5
Do.	J. M. Duncan.....	43	10	26	1
Do.	J. P. Bankhead.....	42	5	25	5
Do.	J. W. A. Nicholson.....	42	10	25	10
Do.	T. G. Corbin.....	43	5	25	7
Paymaster.....	C. C. Upham.....	44	9	11	5
Commander.....	J. C. Beaumont.....	42	4	25	10
Do.	C. H. B. Caldwell.....	40	7	25	10
Paymaster.....	W. B. Boggs.....	54	6	11	1
Commander.....	H. K. Davenport.....	43	1	25	10
Do.	N. B. Harrison.....	40	10	25	10
Do.	S. E. Woodworth.....	*	*	25	7
Chaplain.....	Mason Noble.....	54	9	10	9
Paymaster.....	W. G. Marey.....	45	2	10	9
Commander.....	A. N. Smith.....	41	1	25	2
Do.	J. C. Febiger.....	42	11	25	8
Paymaster.....	T. H. Looker.....	34	1	10	4
Commander.....	P. Crosby.....	40	0	25	7
Do.	R. T. Renshaw.....	41	10	25	11
Naval Constructor.	W. N. Hauscom.....	*	*	10	2
Commander.....	J. B. Creighton.....	41	10	25	10
Do.	A. K. Hughes.....	41	9	25	2
Surgeon.....	R. T. Maccoun.....	46	8	19	3
Do.	W. Sherman.....	39	3	18	8
Commander.....	E. R. Colhoun.....	*	*	24	8
Do.	C. H. Baldwin.....	*	*	24	8
Do.	R. W. Shufeldt.....	41	10	24	8
Do.	A. C. Rhind.....	42	2	25	4
Do.	G. M. Ransom.....	43	6	24	5
Do.	W. F. Spicer.....	43	11	24	6
Do.	S. Nicholson.....	42	0	24	6
Do.	W. E. Hopkins.....	43	0	24	2
Do.	P. Shirley.....	43	0	24	5

Age and Service made up to December 31, 1863.

* Not Registered.

LIEUTENANT COMMANDERS.

OFFICERS RANKING AS AND WITH LIEUTENANT COMMANDERS.

RANK.	NAMES.	AGE.		SERVICE.	
		Years.	Months.	Years.	Months.
Lieut. Commander.	H. N. T. Arnold.....	42	3	24	10
Do.	T. Pattison.....	41	11	24	10
Surgeon.....	H. O. Mayo.....	44	4	17	10
Do.	J. Rudenstein	39	11	17	10
Lieut. Commander.	R. Aulick.....	39	1	23	2
Do.	W. N. Jeffers.....	39	3	23	9
Do.	E. Simpson.....	39	10	23	11
Do.	W. G. Temple.....	39	9	23	8
Do.	S. P. Carter.....	*	*	23	10
Paymaster.....	C. J. Emery.....	43	7	8	8
Lieut. Commander.	T. S. Phelps.....	41	2	23	10
Do.	J. Madigan.....	40	5	23	10
Do.	L. Paulding.....	37	10	23	0
Do.	G. A. Stevens.....	41	2	23	8
Do.	E. Barrett.....	36	11	23	10
Do.	H. C. Blake.....	41	11	23	10
Do.	C. H. Wells.....	41	3	23	9
Do.	S. P. Quackenbush.....	40	11	23	10
Do.	E. English.....	39	10	23	10
Do.	J. M. Bradford.....	39	2	23	11
Do.	R. B. Lowry.....	37	6	23	11
Surgeon.....	P. Lansdale.....	46	8	16	10
Chief Engineer.....	J. Follansbee.....	43	10	21	11
Do.	B. F. Isherwood	41	3	19	7
Do.	George Sewell.....	39	0	16	10
Lieut. Commander.	W. W. Low.....	40	9	22	10
Do.	R. L. Law.....	39	1	22	10
Do.	J. H. Upshur.....	40	1	22	2
Do.	S. R. Franklin	38	4	22	10
Do.	W. D. Whiting.....	40	7	22	10
Do.	S. L. Phelps.....	39	7	22	2
Do.	E. Y. McCanley.....	37	2	22	4
Do.	W. Mitchell.....	39	8	22	3
Do.	F. A. Roe.....	38	3	22	11
Do.	W. Gibson.....	38	7	22	11
Do.	J. C. P. De Kraft.....	38	0	22	2
Do.	O. C. Badger.....	40	5	22	4
Do.	T. C. Harris.....	38	2	22	4
Do.	S. B. Luce.....	36	10	22	10
Do.	J. L. Davis.....	38	4	22	11
Do.	A. A. Semmes.....	38	11	22	2
Do.	J. S. Thornton	36	10	22	11
Do.	M. P. Jones.....	39	4	22	4
Do.	Watson Smith.....	38	2	22	2
Do.	J. E. De Haven.....	39	10	22	2
Do.	W. T. Truxtun	39	10	22	11
Do.	G. Cilley.....	34	2	22	10
Do.	S. Magaw.....	35	5	22	1
Do.	W. C. West.....	30	0	22	11

* Not Registered.

OFFICERS RANKING AS AND WITH LIEUT. COMMANDERS—(continued.)

RANK.	NAMES.	AGE.		SERVICE.	
		Years.	Months.	Years.	Months.
Lieut. Commander.	W. M. Gamble.....	38	9	22	10
Do.	J. Young.....	38	1	22	10
Do.	W. K. Mayo.....	34	7	22	10
Do.	J. E. Jonett.....	35	10	22	4
Do.	T. S. Fillebrown.....	39	5	22	2
Do.	E. C. Grafton.....	37	7	22	3
Do.	M. Haxtun.....	38	3	22	2
Do.	P. G. Watmough.....	35	8	22	3
Do.	G. W. Young.....	37	9	22	2
Do.	J. H. Russell.....	36	6	22	4
Do.	E. E. Stone.....	37	11	22	2
Do.	D. Phoenix.....	38	3	22	3
Do.	R. F. R. Lewis.....	37	11	22	3
Do.	A. W. Johnson.....	37	10	22	2
Do.	R. W. Scott.....	37	11	22	4
Do.	W. W. Queen.....	29	3	22	3
Surgeon.....	W. Lowber.....	40	3	16	2
Do.	P. J. Horwitz.....	41	9	16	2
Lieut. Commander.	E. W. Henry.....	36	11	21	9
Surgeon.....	C. Martin.....	41	4	15	4
Chief Engineer.....	W. H. Shock.....	42	6	18	11
Surgeon.....	F. M. Gannell.....	36	1	14	9
Do.	J. Suddards.....	36	10	14	7
Do.	S. Allen Eagles.....	37	0	14	5
Chief Engineer.....	J. W. King.....	44	4	19	8
Do.	T. Zeller.....	41	1	20	6
Surgeon.....	B. Vreeland.....	36	3	13	8
Do.	E. Shippen.....	37	6	14	5
Do.	S. F. Cones.....	38	2	12	10
Do.	J. S. Dungan.....	38	11	12	10
Do.	G. Peck.....	37	6	12	10
Chief Engineer.....	J. P. Whipple.....	42	11	16	9
Do.	E. Lawton.....	37	4	15	9
Do.	R. Danby.....	42	4	18	11
Surgeon.....	J. H. Otis.....	34	1	12	8
Lieut. Commander.	R. Chandler.....	*	*	18	3
Do.	James Parker.....	31	6	17	2
Do.	P. C. Johnson, Jr.....	35	1	17	4
Do.	Jno. Watters.....	33	0	17	10
Do.	K. R. Breese.....	32	9	17	2
Do.	L. A. Kimberly.....	*	*	17	1
Do.	S. L. Breese.....	32	0	17	8
Do.	G. U. Morris.....	31	7	17	5
Do.	B. Gherardi.....	31	2	17	6
Do.	D. L. Braine.....	34	7	17	7
Surgeon.....	A. Schriver.....	34	11	11	6
Do.	J. M. Browne.....	32	8	10	9
Chief Engineer.....	B. F. Garvin.....	40	10	16	9
Do.	H. H. Stewart.....	40	4	15	9
Do.	A. C. Stimers.....	36	7	14	11
Do.	John Faron.....	*	*	15	2

* Not Registered.

OFFICERS RANKING AS AND WITH LIEUT. COMMANDERS—(Continued.)

RANK.	NAMES.	AGE.		SERVICE.	
		Years.	Months.	Years.	Months.
Chief Engineer.....	H. Newell.....	36	3	14	3
Do.	A. Lawton.....	38	9	13	6
Do.	E. S. De Luce.....	34	8	14	3
Lieut. Commander.	L. H. Newman.....	34	2	16	3
Do.	C. W. Flusser.....	31	3	16	3
Do.	G. E. Belknap.....	31	11	16	3
Do.	E. P. Williams.....	30	10	16	4
Do.	D. B. Harmony.....	31	4	16	9
Do.	J. J. Cornwell.....	30	6	16	11
Do.	J. P. Foster.....	36	7	17	8
Do.	H. Wilson.....	33	5	17	2
Do.	A. E. K. Benham.....	31	9	17	1
Do.	John Irwin.....	31	8	16	4
Chief Engineer.....	Edwin Fithian.....	43	0	15	2
Surgeon.....	Thos. J. Turner.....	34	3	10	0
Do.	J. Y. Taylor.....	33	11	10	3
Lieut. Commander.	J. S. Skerrett.....	30	11	15	3
Do.	J. A. Greer.....	30	10	15	11
Do.	C. H. Greene.....	31	7	15	8
Do.	F. H. Baker.....	31	6	15	3
Do.	E. K. Owen.....	29	1	15	1
Do.	A. W. Weaver.....	31	6	15	8
Do.	A. Pendergrast.....	30	9	15	3
Do.	W. P. McCann.....	33	8	15	2
Do.	J. Stillwell.....	33	6	16	4
Do.	J. H. Gillis.....	32	8	15	3
Chaplain.....	R. Given.....	44	9	8	3
Lieut. Commander.	W. E. Fitzhugh.....	31	2	15	1
Do.	T. Abbot.....	32	6	15	2
Surgeon.....	W. T. Hord.....	32	10	9	2
Lieut. Commander.	C. H. Cushman.....	32	1	14	9
Naval Constructor.	I. Hanscom.....	*	*	7	9
Lieut. Commander.	O. F. Stanton.....	29	5	14	0
Paymaster.....	W. A. Ingersoll.....	34	3	7	8
Lieut. Commander.	H. A. Adams.....	30	5	14	2
Do.	George Brown.....	28	6	14	11
Professor.....	Jos. Winlock.....	37	11	7	6
Lieut. Commander.	B. B. Taylor.....	*	*	14	9
Paymaster.....	C. W. Abbot.....	34	1	7	4
Lieut. Commander	R. L. May.....	31	1	14	10
Do.	J. W. Shirk.....	31	6	14	9
Do.	J. G. Maxwell.....	29	4	16	0
Do.	J. N. Quackenbush.....	40	7	16	3
Do.	H. Erben.....	31	4	15	6
Do.	E. P. McCrea.....	*	*	14	2
Surgeon.....	J. Laws.....	32	11	8	6
Do.	J. S. Kitchen.....	32	1	8	8
Do.	A. S. Gihon.....	30	3	8	8
Do.	E. R. Denby.....	29	10	8	6
Do.	W. Johnson, Jr.....	30	7	8	4
Do.	S. Kennedy.....	30	4	8	3
Do.	R. C. Dean.....	30	7	7	8

* Not Registered.

OFFICERS RANKING AS AND WITH LIEUT. COMMANDERS—(continued.)

RANK.	NAMES.	AGE.		SERVICE.	
		Years.	Months.	Years.	Months.
Paymaster.....	J. S. Cunningham.....	42	0	6	10
Chaplain.....	C. A. Davis.....	61	4	6	7
Paymaster.....	C. C. Jackson.....	49	4	6	5
Do.	R. H. Clark.....	45	1	6	5
Lieut. Commander.	J. G. Walker.....	28	9	13	3
Do.	J. G. Mitchell.....	27	10	13	3
Do.	F. M. Ramsey.....	28	9	13	3
Do.	R. W. Meade, Jr.....	26	3	13	3
Do.	M. C. Campbell.....	29	10	13	11
Do.	R. Boyd, Jr.....	29	10	13	11
Do.	C. C. Carpenter.....	29	10	13	3
Do.	W. A. Kirkland.....	*	*	13	6
Paymaster.....	E. W. Dunn.....	41	3	5	9
Do.	J. D. Murray.....	34	3	5	7
Professor.....	W. H. Wilcox.....	40	2	5	7
Lieut. Commander.	W. H. Dana.....	30	7	13	8
Do.	E. E. Potter.....	30	8	13	11
Do.	Geo. Bacon.....	28	10	13	3
Do.	J. C. Chaplin.....	27	8	13	3
Paymaster.....	J. Fulton.....	28	7	5	1
Do.	H. R. Day.....	48	0	4	9
Naval Constructor.	H. Hoover.....	*	*	4	7
Lieut. Commander.	L. A. Beardslee.....	27	11	13	10
Do.	C. A. Babcock.....	30	7	13	9
Chaplain.....	D. X. Junkin.....	56	0	4	2
Lieut. Commander.	C. E. Fleming.....	48	9	28	11
Chief Engineer.....	M. Fletcher.....	33	10	13	6
Do.	T. A. Shock.....	32	0	12	11
Surgeon.....	P. S. Wales.....	29	10	7	5
Do.	A. C. Gorgas.....	29	7	7	4
Do.	A. M. Vedder.....	31	3	7	4
Chaplain.....	G. W. Dorrance.....	52	10	4	0
Lieut. Commander.	T. O. Selfridge.....	27	11	12	3
Do.	J. N. Miller.....	27	1	12	3
Do.	J. S. Barnes.....	27	8	12	3
Surgeon.....	D. Bloodgood.....	32	4	6	10
Chief Engineer.....	C. H. Loring.....	35	0	12	10
Do.	A. Henderson.....	31	6	12	10
Do.	S. D. Hibbert.....	32	4	12	10
Do.	F. C. Dade.....	34	9	14	11
Do.	D. B. Macomb.....	36	10	14	11
Paymaster.....	L. J. Brown.....	40	10	3	9
Naval Constructor.	N. Simmons.....	*	*	3	7
Lieut. Commander.	A. Hopkins.....	27	3	12	3
Do.	M. Sicard.....	27	3	12	3
Do.	E. O. Mathews.....	27	2	12	3
Paymaster.....	J. N. Carpenter.....	39	7	3	4
Professor.....	A. W. Smith.....	61	8	3	3
Lieut. Commander.	E. P. Lull.....	27	10	12	3
Do.	A. F. Crozman.....	25	7	12	3
Do.	C. S. Norton.....	27	5	12	3
Surgeon.....	J. C. Bertolette.....	26	1	5	6
Chief Engineer.....	E. D. Robie.....	32	4	11	10
Do.	T. Williamson.....	30	5	10	7

* Not Registered.

OFFICERS RANKING AS AND WITH LIEUT. COMMANDERS—(Continued.)

RANK.	NAMES.	AGE.		SERVICE.	
		Years.	Months.	Years.	Months.
Chief Engineer.....	W. S. Stamm.....	37	1	12	10
Do.	W. J. Laundin.....	33	7	12	11
Do.	W. B. Brooks.....	32	1	11	10
Surgeon.....	T. W. Leach	27	7	5	5
Do.	W. M. King.	26	6	5	1
Do.	B. F. Gibbs.....	27	4	5	2
Lieut. Commander.	G. A. Bigelow.....	26	4	11	7
Do.	R. L. Bradford.....	*	*	11	7
Do.	R. L. Phythian.....	28	5	10	11
Do.	A. P. Cooke.....	27	11	11	7
Do.	Le Roy Fitch.....	28	3	12	3
Do.	T. H. Eastman.....	26	4	10	11
Do.	R. R. Wallace.....	28	2	11	7
Do.	C. Hatfield.....	26	10	11	7
Do.	C. J. McDougal.....	*	*	11	7
Do.	G. H. Perkins.....	27	2	12	3
Do.	W. N. Allen.....	26	9	11	7
Do.	N. Green.....	27	11	11	7
Surgeon.....	E. F. Corson.....	28	3	4	7
Do.	D. Kindleberger.....	*	*	4	7
Do.	Wm E. Taylor.....	26	1	4	6
Chief Engineer.....	C. H. Baker.....	32	11	8	5
Do.	J. S. Albert.....	28	8	8	4
Do.	W. H. Cushman.....	26	11	8	5
Do.	P. G. Peltz.....	31	3	7	6
Do.	R. M. Bartleman.....	31	1	11	0
Do.	M. Kellogg.....	37	4	11	10
Do.	G. T. Kutz.....	29	6	7	6
Do.	A. J. Kiersted.....	31	0	7	6
Do.	J. B. Kimball.....	28	5	10	4
Do.	J. W. Mobre.....	31	7	10	7
Do.	W. H. Rutherford.....	36	0	14	3
Do.	G. R. Johnson.....	35	2	11	10
Do.	J. A. Grier.....	30	1	8	5
Do.	W. W. Dungan.....	28	0	7	6
Do.	J. W. Thompson, Jr..	*	*	7	6
Do.	T. J. Jones.....	*	*	7	6
Do.	W. H. Hunt.....	31	11	10	0
Surgeon	J. McMaster.....	30	4	4	3
Do.	R. L. Webber.....	26	3	4	7
Do.	J. J. Magee.....	26	8	5	3
Paymaster.....	A. W. Russell.....	39	11	2	10
Surgeon.....	H. F. McSherry.....	26	9	3	6
Lieut. Commander.	F. B. Blake.....	26	2	10	3
Chaplain.....	T. G. Salter.....	53	9	3	9
Lieut. Commander.	H. D. Todd.....	25	4	10	7
Do.	J. M. Prichett.....	27	4	11	7
Do.	E. Terry.....	24	11	10	3
Do.	F. M. Bunce.....	27	11	11	7
Do.	Byron Wilson.....	26	11	10	11

Age and Service made up to December 31, 1863.

* Not Registered.

LIEUTENANTS.

OFFICERS RANKING AS AND WITH LIEUTENANTS.

RANK.	NAMES.	AGE.		SERVICE.	
		Years.	Months.	Years.	Months.
Paymaster.....	G. L. Davis.....	41	5	2	8
Lieutenant	H. B. Seely.....	25	6	11	7
Do.	F. V. McNair.....	25	0	11	3
Do.	J. W. Kelly.....	25	10	10	11
Do.	A. R. Yates.....	25	2	10	3
Do.	C. Merchant.....	27	3	11	7
Do.	H. W. Miller.....	27	8	11	7
Surgeon.....	J. J. Gibson.....	27	8	3	6
Do.	S. J. Jones.....	27	9	3	0
Do.	J. W. Shively.....	28	3	2	11
Lieutenant	J. A. Howell.....	23	9	9	3
Do.	A. V. Reed.....	25	6	9	3
Do.	G. Dewey.....	26	0	9	3
Do.	C. L. Franklin.....	24	4	9	3
Do.	G. B. White.....	27	9	9	3
Do.	J. Bishop.....	24	8	9	3
Do.	H. L. Howison.....	25	3	9	3
Do.	H. M. Blue.....	24	8	9	3
Do.	A. Kautz.....	24	11	9	3
Chief Engineer.....	J. McElmell.....	*	*	8	5
Do.	Wm. Roberts.....	28	9	2	8
Do.	A. Greer.....	40	1	9	1
Assistant Surgeon.	C. J. Cleborne.....	25	0	2	11
Do.	Job Corbin.....	27	1	2	8
Do.	S. D. Kennedy.....	*	*	2	8
Do.	J. C. Spear.....	24	9	2	8
Do.	C. H. Burbank.....	26	11	2	8
Do.	H. C. Nelson.....	26	7	2	8
Do.	J. P. Quinn.....	25	6	2	8
Do.	S. Robinson.....	27	10	2	8
Paymaster	C. Burt.....	31	11	2	7
Do.	A. H. Gilman.....	39	5	2	7
Do.	H. H. Pangborn.....	25	0	2	7
Do.	W. Irving.....	27	8	2	7
Do.	R. C. Spaulding.....	31	3	2	7
Do.	C. P. Wallach.....	36	6	2	7
Chief Engineer.....	J. H. Long.....	35	11	2	6
1st Ass't Engineer.	L. A. Williams.....	31	3	11	10
Do.	G. J. Barry.....	30	3	7	5
Do.	C. B. Kid.....	28	5	6	7
Paymaster.....	C. H. Eldridge.....	*	*	2	6
Assistant Surgeon.	A. Matthewson.....	26	4	2	5
Do.	A. C. Rhoades.....	27	0	2	5
Do.	M. Bradley.....	*	*	2	5
Do.	N. L. Bates.....	26	2	2	5
Do.	F. E. Potter.....	24	6	2	5
Do.	A. Hudson.....	26	0	2	5
Do.	J. H. Tinkham.....	26	9	2	5
Do.	S. D. Flagg.....	30	5	2	5
Do.	W. R. Richardson.....	34	3	2	5

* Not Registered.

OFFICERS RANKING AS AND WITH LIEUTENANTS.—(Continued.)

RANK.	NAMES.	AGE.		SERVICE.	
		Years.	Months.	Years.	Months.
Assistant Surgeon	A. W. H. Hawkins.....	24	11	2	5
Do.	H. D. Burlingham.....	30	6	2	5
Do.	H. M. Wells.....	28	11	2	5
Do.	W. C. Lyman.....	27	0	2	5
Do.	J. H. Macomber.....	27	4	2	5
Do.	E. S. Bogert.....	27	8	2	5
Do.	G. S. Beardsley.....	25	11	2	5
Do.	T. H. Whiting.....	26	5	2	5
Do.	A. B. Judson.....	26	9	2	5
Do.	J. S. Knight.....	28	3	2	5
Do.	W. K. Scofield.....	24	8	2	5
Do.	H. Ackley.....	26	11	2	5
Do.	E. M. Stein.....	24	8	2	5
Do.	E. S. Matthews.....	23	10	2	5
Do.	J. R. Little.....	27	4	2	5
Do.	W. L. Wheeler.....	29	6	2	5
Do.	A. S. Oberly.....	26	9	2	5
Do.	W. B. Dick.....	27	2	2	5
Do.	S. B. Tuthill.....	26	8	2	5
Lieutenant.....	A. T. Mahan.....	23	3	7	3
Do.	G. C. Remy.....	*	*	8	3
Do.	A. S. Mackenzie.....	21	11	8	3
Do.	N. H. Farquhar.....	23	9	9	3
Do.	S. D. Greene.....	23	11	8	3
Do.	T. F. Kane.....	23	4	8	3
Do.	B. P. Smith.....	*	*	8	3
Do.	C. M. Schoonmaker.....	*	*	9	3
Do.	R. Prentiss.....	23	4	9	3
Do.	R. S. McCook.....	24	10	9	3
Do.	G. S. Wiltse.....	25	1	8	3
Do.	T. S. Spencer.....	23	11	9	3
Paymaster.....	G. E. Thornton.....	24	3	2	4
Lieutenant.....	M. S. Stuyvesant.....	23	4	7	3
Do.	J. D. Marvin.....	24	3	7	3
Do.	J. O. Kane.....	25	1	7	3
Do.	S. P. Gillet.....	23	2	7	3
Do.	T. L. Swann.....	22	4	7	1
Do.	S. D. Ames.....	23	5	7	3
Do.	J. C. Watson.....	21	4	7	3
Do.	H. B. Robeson.....	21	5	7	3
Do.	A. R. McNair.....	24	3	7	3
Do.	W. H. Barton.....	24	2	7	3
Do.	F. S. Brown.....	*	*	7	3
Do.	H. De H. Manley.....	24	0	7	3
Do.	W. Whitehead.....	23	7	7	3
Do.	E. A. Walker.....	23	0	7	3
Do.	W. S. Schley.....	24	3	7	3
Do.	S. Casey, Jr.....	22	4	7	3
Professor.....	S. Newcomb.....	28	10	2	3
Paymaster.....	G. Plunket.....	27	11	2	3
1st Ass't Engineer.	B. B. H. Wharton.....	30	7	6	1
Do.	E. Hoyt.....	29	8	6	7

* Not Registered.

OFFICERS RANKING AS AND WITH LIEUTENANTS—(Continued.)

RANK.	NAMES.	AGE.		SERVICE.	
		Years.	Months.	Years.	Months.
1st, Ass't Engineer.	B. E. Chassaing.....	25	0	6	1
Do.	J. W. Whittaker.....	31	11	6	1
Paymaster.....	E. Foster.....	27	0	2	2
Do.	G. Lawrence.....	24	11	2	4
Do.	E. May.....	25	11	2	4
Do.	H. M. Denniston.....	23	7	2	4
Do.	R. Washington.....	26	9	2	4
Do.	W. H. H. Williams.....	24	7	2	4
Do.	C. W. Hassler.....	25	5	2	4
Do.	T. C. Masten.....	26	1	2	3
Do.	R. Parks.....	26	9	2	4
Do.	F. C. Cosby.....	23	9	2	4
Do.	E. Stewart.....	26	8	2	4
Do.	W. T. Meridith.....	24	6	2	4
Do.	W. H. Thompson.....	25	8	2	4
Do.	J. A. Smith.....	26	4	2	3
Do.	R. H. Douglas.....	24	2	2	4
Do.	R. J. Richardson.....	23	7	2	4
Do.	L. C. Merrill.....	24	11	2	4
Do.	C. Hellen.....	26	9	2	2
Assist't Paymaster.	A. J. Clark.....	26	5	2	4
Do.	G. Cochran.....	24	9	2	3
Do.	L. S. Stockwell.....	25	4	2	1
Do.	T. T. Caswell.....	24	0	2	4
Do.	G. A. Sawyer.....	24	9	2	4
Do.	C. Schenck.....	28	3	2	4
Do.	W. W. Williams.....	23	7	2	4
Do.	J. S. Post.....	28	3	2	4
Do.	W. H. Weldon.....	25	0	2	3
Do.	J. Hoy.....	*	*	2	3
Do.	A. J. Pritchard.....	27	11	2	3
Naval Constructor.	E. Hartt.....	*	*	2	1
1st Ass't Engineer..	J. B. Houston.....	25	3	6	7
Do.	G. B. N. Tower.....	29	5	6	1
Do.	E. A. C. Du Plaine.....	32	10	6	7
Do.	S. F. Savage.....	28	8	6	7
Do.	N. B. Littig.....	28	0	6	7
Do.	H. C. Victor.....	*	*	8	5
Do.	W. H. King.....	26	1	6	7
Do.	F. J. Lovering.....	27	7	6	7
Do.	W. G. Buehler.....	26	8	6	1
Do.	P. Inch.....	27	4	6	1
Do.	J. Johnson.....	27	4	6	7
Do.	H. Mason.....	34	11	2	7
Do.	I. Newton.....	*	*	2	6
Do.	H. B. Nones.....	33	7	2	6
Do.	E. Marsland.....	33	3	2	6
Do.	W. D. Pendleton.....	32	1	2	2
Do.	J. Young.....	35	3	2	3
Assistant Surgeon.	R. T. Edes.....	*	*	1	11
Do.	J. D. Murphy.....	23	3	1	11
Do.	E. Holden.....	25	2	1	11
Do.	T. C. Walton.....	*	*	1	11
Do.	B. H. Kidder.....	27	11	1	11
Do.	L. Zenzen.....	26	4	1	11
Do.	G. H. E. Baumgarten.....	26	7	1	11

* Not Registered.

OFFICERS RANKING AS AND WITH LIEUTENANTS—(continued.)

RANK.	NAMES.	AGE.		SERVICE.	
		Years.	Months.	Years.	Months.
Assistant Surgeon.	J. H. Clark.....	26	8	1	11
Do.	G. B. Slough.....	24	4	1	11
Do.	S. B. Forman.....	28	7	1	11
Do.	G. W. Woods.....	25	4	1	11
Do.	A. A. Hochling.....	24	9	1	11
Do.	J. J. Allingham.....	*	*	1	11
Do.	C. E. Stedman.....	32	8	1	11
Do.	E. S. Olcott.....	23	2	1	11
Do.	C. J. S. Wells.....	27	8	1	11
Do.	C. Hubbard.....	23	5	1	11
Do.	W. K. Van Reypen.....	23	2	1	11
Do.	J. Hugg.....	26	0	1	11
Do.	F. B. A. Lewis.....	*	*	1	11
Do.	W. B. Mann.....	25	6	1	11
Do.	S. W. Abbott.....	26	7	1	11
Do.	L. M. Lyon.....	26	4	1	11
Do.	W. S. Fort.....	24	1	1	11
Do.	C. S. Giberson.....	25	4	1	11
Do.	C. H. Perry.....	24	9	1	11
Do.	T. Hiland.....	24	3	1	11
Do.	D. M. Skinner.....	28	8	1	11
Do.	D. R. Bannan.....	31	10	1	11
Do.	D. F. Ricketts.....	30	2	1	11
Do.	J. A. Bubier.....	24	8	1	11
Do.	S. N. Brayton.....	25	0	1	11
Do.	W. T. Plant.....	26	5	1	11
Do.	M. Chalmers.....	26	3	1	11
Do.	C. H. White.....	25	1	1	11
Do.	G. T. Shipley.....	29	0	1	11
Do.	I. H. Hazleton.....	25	7	1	11
Do.	B. F. Pierce.....	26	10	1	11
Do.	N. H. Adams.....	27	8	1	11
Do.	E. Kershner.....	24	9	1	11
Do.	S. J. Clark.....	24	4	1	11
Do.	T. N. Penrose.....	28	7	1	11
Do.	J. H. Gunning.....	23	10	1	11
Do.	W. C. Hull.....	27	0	1	11
Do.	G. R. Brush.....	27	2	1	11
Do.	H. Smith.....	23	11	1	11
Do.	E. D. Payne.....	27	6	1	11
Do.	E. R. Docge.....	*	*	1	11
Do.	I. W. Bragg.....	28	3	1	11
Do.	G. D. Slocum.....	*	*	1	11
Do.	J. B. Ackley.....	28	4	1	11
Do.	J. T. Luck.....	*	*	1	11
Assistant Paymaster.	A. S. Kenney.....	22	11	1	9
Do.	J. A. Bates, Jr.....	26	3	1	9
Do.	F. Parker.....	26	7	1	9
Do.	J. S. Woolson.....	23	1	1	9
Do.	A. McBishop.....	23	9	1	9
Assistant Surgeon.	F. L. Dubois.....	26	2	1	7
Do.	S. G. Webber.....	25	5	1	7
Do.	G. S. Franklin.....	25	2	1	7
Do.	F. M. Weld.....	23	11	1	7

* Not Registered.

OFFICERS RANKING AS AND WITH LIEUTENANTS—(Continued.)

RANK.	NAMES.	AGE.		SERVICE.	
		Years.	Months.	Years.	Months.
Assist't Paymaster.	G. A. Lyon.....	26	0	1	7
Do.	H. M. Hanna.....	23	11	1	7
Do.	E. Bellows.....	23	8	1	7
Do.	G. W. Beaman.....	26	8	1	7
Assistant Surgeon.	W. H. Johnson.....	22	7	1	6
Assist't Paymaster	H. L. Wait.....	27	5	1	6
Do.	A. Burtis, Jr.....	22	6	1	6
Lieutenant.....	W. T. Sampson.....	23	11	6	3
Do.	A. T. Snell.....	22	11	6	3
Do.	W. F. Stewart.....	*	*	6	3
Do.	G. P. Ryan.....	*	*	6	3
Do.	G. M. Bache.....	23	2	6	1
Do.	A. Dexter.....	21	6	6	3
Do.	L. Phenix.....	*	*	6	3
Do.	T. C. Bowen.....	*	*	6	3
Do.	T. Steece.....	24	0	6	3
Do.	B. J. Cromwell.....	*	*	6	3
Do.	G. W. Hayward.....	25	4	6	3
Do.	C. E. McKay.....	24	10	6	3
Do.	J. W. Philip.....	*	*	6	3
Do.	H. F. Picking.....	23	11	6	3
Do.	F. Rodgers.....	21	3	6	3
Do.	F. O. Davenport.....	21	4	6	3
Do.	H. E. Mullan.....	*	*	6	3
Do.	J. Weidman.....	22	10	6	3
Do.	J. F. McGlensey.....	*	*	6	3
Do.	S. Backus.....	24	2	6	3
Do.	W. B. Cushing.....	21	2	6	3
Assistant Surgeon.	T. Woolverton.....	24	8	1	5
Do.	H. S. Pitkin.....	25	4	1	5
Lieutenant.....	S. W. Preston.....	22	9	5	3
Do.	R. H. Lamson.....	23	3	5	3
Do.	E. T. Brower.....	20	0	5	3
Do.	E. C. V. Blake.....	22	5	5	3
Do.	J. H. Rowland.....	22	0	6	3
Do.	M. Forrest.....	22	11	5	3
Do.	F. R. Smith.....	22	11	5	3
Do.	J. P. Robertson.....	23	0	6	3
Do.	C. L. Huntington.....	23	0	5	3
Do.	R. K. Duer.....	20	5	6	3
Do.	L. Kempff.....	22	3	6	3
Do.	H. B. Tyson.....	20	10	6	3
Do.	S. W. Nichols.....	*	*	5	3
Do.	A. N. Mitchell.....	23	0	5	3
Do.	N. W. Thomas.....	*	*	6	3
Do.	F. T. Higginson.....	20	5	6	3
Do.	J. McFarland.....	*	*	6	3
Do.	G. W. Sumner.....	*	*	5	3
Do.	B. F. Day.....	22	11	5	3
Do.	S. A. McCarty.....	21	7	7	3
Do.	H. C. Tallman.....	*	*	6	2
Chaplain.....	Wm. A. Hitchcock.....	29	11	1	3
Professor.....	Wm. Harkness.....	26	0	0	4

Age and Service made up to December 31, 1863.

* Not Registered.

MASTERS.

OFFICERS RANKING AS AND WITH MASTERS.

RANK.	NAMES.	AGE.		SERVICE.	
		Years.	Months.	Years.	Months.
Assistant Surgeon.	S. H. Peltz.....	24	3	1	4
Do.	D. McMurtrie.....	27	6	1	4
Assist't Paymaster.	W. H. Sells.....	27	0	1	3
Do.	E. Putnam.....	23	3	1	3
Assistant Surgeon.	G. H. Cooke.....	27	1	1	3
Do.	H. P. Babcock.....	23	2	1	3
Assist't Paymaster.	J. P. Woodbury.....	26	2	1	3
Do.	C. S. Perley.....	23	8	1	3
Assistant Surgeon.	S. F. Shaw.....	27	4	1	3
Assist't Paymaster.	W. S. Blunt.....	26	3	1	2
Assistant Surgeon.	Wm. Longshaw, Jr.....	24	8	1	2
1st Ass't Engineer..	B. C. Bampton.....	23	5	6	7
Assistant Surgeon	H. E. Eckstein.....	*	*	1	0
Do.	H. W. Birkey.....	*	*	1	0
Do.	D. G. Gilbert.....	*	*	0	11
1st Ass't Engineer.	J. Purdy.....	28	11	6	1
Assist't Paymaster.	C. E. Chenery.....	22	6	0	10
Do.	H. A. Strong.....	25	4	0	10
1st Ass't Engineer.	J. W. De Kraft.....	27	2	5	5
Do.	O. H. Lackey.....	26	10	5	5
Do.	C. E. De Valin.....	27	4	5	3
Do.	J. N. Cahill.....	29	8	5	5
Do.	J. H. Bailey.....	29	11	6	1
Do.	W. K. Purse.....	30	9	5	5
Do.	H. Snyder.....	27	4	5	9
Do.	S. L. P. Ayres.....	28	5	5	5
Assistant Surgeon	J. H. Culver.....	*	*	0	8
Do.	J. McD. Rice.....	*	*	0	8
1st Ass't Engineer.	L. J. Allen.....	23	10	4	8
Do.	R. L. Harris.....	26	10	4	8
Do.	Z. Talbot.....	29	6	4	8
Do.	J. M. Hobbey.....	38	8	2	7
Do.	T. S. Cunningham.....	28	9	4	8
Do.	E. J. Brooks.....	27	0	4	8
Do.	T. M. Dukehart.....	27	6	4	8
Do.	J. Sheridan.....	28	7	4	8
Do.	H. W. Robie.....	24	9	4	8
Assistant Surgeon.	L. J. Draper.....	*	*	0	7
Do.	R. Willard.....	*	*	0	7
Do.	J. W. Coles.....	*	*	0	6
Do.	W. H. Jones.....	*	*	0	5
Do.	W. T. Kemp.....	22	9	0	4
Do.	D. V. Whitney.....	24	8	0	3
Do.	C. H. Page.....	*	*	0	3
Do.	W. M. Reber.....	21	0	0	3
Do.	J. R. Tryon.....	*	*	0	3
1st Ass't Engineer.	J. Atkins.....	24	7	4	4
Do.	J. L. Lacy.....	*	*	2	6
Do.	A. V. Fraser.....	27	8	2	3
Assistant Surgeon.	D. Mack, Jr.....	27	3	0	2
Do.	J. N. Hyde.....	23	6	0	2
Do.	J. M. Flint.....	*	*	0	2
Do.	Wm. Commons.....	*	*	0	2

A WORD TO THE MEDICAL CORPS.

THEY will have seen that the Essay embodies the concurrent views of, at least, those of its members who have written on the subject. The writer has, hence, done little more than to arrange opinions, which he holds in common with many, perhaps most, of the Medical Officers. His aim has been, in part at least, to set forth unanimity of the Corps; that they are not divided in opinion; that they have *fully* considered the *whole* subject in *all* its bearings: that they have not their opinions yet to form by consultation, or conference, with other Corps, or with individuals of other Corps; and that they believe that they have not yet to learn from others what is just to all parties, and what the public interests require. All these matters they have studied out long ago, and hold fixed opinions on. They have, long since, grown up to the stature of manhood on this subject, and do not need others to do their thinking. Should there, *unfortunately*, be any in the Corps who are seeking to know what others out of it *will graciously grant* to Medical Officers as a concession: or what they *will agree* to as a bargain, with a view to coöperation for the purpose of combined action on legislation, let us adjure them to pause, and not confer with outsiders, nor be seduced into any alliance. "An enemy hath done this." They belittle the subject, and insure the failure of a just cause. They fall far below "the height of this great argument," which towers high above "concession," and above "bargain," and "agreement." It goes up ^{to} the region of *principle*, which knows no concession, and no agreement, and may be confident, independent, and self-reliant. We have *rights* which are not to be chaffered about, and which place us in the attitude of being approached, and not of approaching. We have done talking to the *Navy*, and are before *Congress*, on our *just claims*. Our motto, as we have elsewhere given it, is *Piät Justitia*; and, with this on our banner, we are demanding

what we believe to be *right*. It is justice to *all* that we ask ; and we would as little desire less than justice to others as we should be unwilling to accept it for ourselves. No adjustment of this great question, not based on exact justice to *all*, can long endure. It would lead to perpetual warfare. Each Corps, with a common interest, has *individual* claims and rights. No two stand on the same platform ; no two can be associated in one common assimilation. This attempted association has, over and over again, failed, because springing from *expediency*, and not based on *principle* : it is a mongrel association, a forced and unnatural union, compounded of dissimilar and inharmonious elements. Each Staff Corps must plead its separate cause before Congress, and invoke legislation for itself alone. We have no opinion to express in regard to the claims of other Staff Corps. We hope that exact justice will be done to them, be their claims greater or less than ours. But coöperation with them, on this subject (which we have always objected to) has repeatedly, and signally, ended in utter failure to our Corps. Let us not, hereafter, encumber them by our aid, nor be encumbered by theirs. In this we do them no wrong : for our success can “nothing impair” them, to say the least. We can (we trust they also can) do better alone. We cannot, we think, do worse. At any rate, it is worth trying, for once. When parties have not succeeded together, they will, if wise, act separately. Let the Medical Corps, then, go *alone* to Congress, *not* as individuals, each with his separate plan : but let *all* the Medical Officers, as a *unit*, with *one* claim and *one* plan, that claim being *just*, and that plan *unanimously* concurred in, lay their claim and their plan before Congress, with such a statement of their merits as shall cause them both to be well understood by that body, and we have no reason to doubt that our appeal will be successful. The rejection of our Bill, last winter, is no evidence to the contrary. The merits of that Bill were but imperfectly understood, as the debate in the House of Representatives, on the 6th and 7th of January last, reported in the daily papers, fully showed. In the absence of those papers, a reference to

the judicious "Remarks" upon it (D, in the Appendix) will leave no doubt that the Bill was rejected because it was not understood. We have especial reason, then, to *persevere in our present effort*, in view of the fact that *all former efforts failed because made by individuals only, with Congress but imperfectly enlightened on the subject.*

We are prepared to hear, from those who propose nothing themselves, and from those whose efforts have been unsuccessful, that, in their opinion, all further endeavor would be love's labor lost. There always will be some such in every Corps, powerless themselves, and distrustful of the efficiency of others. *Ex nihilo nihil fit.* With such the question must be simply this: remanded, as they *now* are, to their position in 1854, will they fold their arms, and do nothing but object to what others are doing, or will they coöperate in endeavoring to better their condition in the only way now contemplated by the *great majority* of the Corps, so as to produce *entire unanimity and concert of action*, in a cause in which they have much to gain; and in which all former efforts have been unsuccessful, because made only by individuals, and not, as now earnestly proposed, by the *whole* Corps, with *entire unanimity and concert of action.* Our last winter's Bill was not rejected on its merits. The *principle* of that Bill was not touched in the debate: and it lies over till the next Session, in unimpaired strength. The Bill proposed, in effect, much the same *scale of rank* as that proposed by the "Board on Regulations" (Line Officers) in 1864, and also much the same *assignment of duties* as that contemplated by that "Board," inasmuch as that Surgeons above a certain rank were not to go to sea. Besides these, the Bill contained little more than the designation, by *professional titles*, of the three highest grades proposed. Such was, in effect, the *principle* of the Bill: as will appear by reference to the "*Abstract*," (Appendix K, No. 3,) and to the Table of "Assimilated Rank," (Appendix M.) We have said, as did the "Board on Regulations," that we regarded it as *just* that *equal ages should have equal rank*, and, on this principle, and in a spirit of great liberality to the Line, we have (page 123)

proposed for the Corps less than was proposed by the "Board on Regulations," in giving to Surgeons of—

35 years from *entrance* into the Navy the rank of Commodore, *according to date of commission*, (with the title of Medical Director General ;)

25 years, that of Captain, *according to date of commission*, (with the title of Medical Inspector General ;)

15 years, that of Commander, *according to date of commission*, (with the title of Medical Director ;)

Less than 15 years, that of Lieutenant Commander, *according to date of commission*.

Passed Assistant Surgeons, to have the rank of Lieutenants, *according to date of commission*.

Assistant Surgeons, to have the rank of Masters, *according to date of commission*.

Each and all according to date of commission ; the two higher grades not to be sent to sea, except in time of war.

This scale of assimilation supposes the Medical Officer to *enter* the Navy at the *average* age of 23 years, and to be promoted to Surgeon after an *average* term of 8 years' ; when, at the *average* age of 31 years, he is, as *Surgeon*, to have the rank of Lieutenant Commander. The *phraseology* is varied from that used on page 123, in order not to exclude from the rank of Lieutenant Commander any Medical Officer, who might *chance* to reach the grade of Surgeon earlier than the estimated *average*, (8 years.) The probability is, however, that the novitiate will, *hereafter*, exceed 8 years, as it did largely before the war, which hastened promotions in all the Corps.

By the assimilation above proposed, the Surgeon will reach the ranks of Commodore, Captain, Commander, and Lieutenant Commander, at the ages, respectively, of 58, 48, 38, and 31 years, rather older, probably, than the Line Officer ; our wish being to be generous.

Some Medical Officers may think that we have been over generous—more generous to the Line than the Department was six years ago. (See "General Order," March 13, 1863, page 190.) By that Department Regulation (Mr. Welles's)

the Surgeon was given to rank with Captain, Commander, and Lieutenant Commander, at the ages, respectively, of 46, 36, and 31 years, these ages estimated on the *averages* above stated. That Order, be it remembered, was issued during the war, when all Corps rose more rapidly than will hereafter be the case. If, however, we are giving away the rights of our Corps too liberally, our profuseness may be moderated by the Medical Committee, who shall come to frame the Bill.

Whilst, we repeat, we would, in a spirit of peace and liberality, suggest this as the *basis* of whatever Bill may be brought forward by the Corps, we must insist, as a *vital* principle, on *positive* rank, and *no* "Executive" precedence over Medical Officers of higher rank, or earlier commission; the precedence and authority of the Commanding Officer *alone* being recognized, and the Medical Officer to exercise no command out of the Medical Department.

The Assimilation of rank here proposed is, *substantially*, the same that Medical Officers have sought ever since the 16th July, 1862, when the present Line grades were established by law: but the Line have ever stood as a lion in the path. It is the same, *substantially*, that they sought last winter in the Bill, of which we have given the *Abstract*, (Appendix K, No. 3.) to the support of which the 160 Medical Officers, whose names we have *appended* to the *Abstract*, committed themselves by subscribing, as we have stated, the *Memorial* and *Abstract*. It is the same *substantially*, the same *identically in principle*, as that proposed in 1864, by the "Board on Regulations;" differing from it in *Assimilation*, only in its being more favorable to the Line to the extent of a few years. The reasons, therefore, must be obvious why we here propose it as the *basis* of a Bill for the ensuing winter, viz: 1st, that the principle is admitted to be *just*; that is, that of *equal ages, equal rank*; 2d, that a Line Board have approved it, making it, in *their* assimilation, somewhat less favorable to the Line than we propose; and, 3d, because 160 members of our Corps have, by their signatures, approved a *plan identical in principle*, and *substantially* the same in

every important respect, save only in this, that, in the form in which it was presented in the Bill, it was much misunderstood in the House ; whilst, in the form which we propose, its merits would be less susceptible of misrepresentation, and more likely to be recognized by those who, in the multiplicity of subjects for legislation, may not find much leisure for the study of a matter which, though of great moment to us, may not strike the legislators of the Nation as of great National interest.

If there be any in the Corps who are discouraged by past failure, let them be reminded that the failure is, at most, delay, and through their own fault ; it is not in the cause, which will certainly succeed in other hands, if not in ours. Let them heed the precept of the great Moralist of Antiquity, *post malam segetem serendum est*, let them at once set to work, like the thrifty husbandman, and sow the seed for a future harvest, having faith in the kindred precept, that has come down to us from the same Antiquity, that they can conquer who believe they can, *possunt quid posse videntur*.

It is the *young* Medical Officers, those who are not past mid-career, that the issue especially concerns. The *older*, whose Naval life is virtually over, may be comparatively indifferent, and, under a sense of the utter selfishness of their enemies, may naturally feel as effectually weaned from all affection for the Navy, and from all personal interest in it, as was, long ago, as we have seen, the gallant Commodore Porter. They have suffered degradation so long that the Service has forfeited all claim to their personal regard, so far, at least, as the Line are concerned. They are past being much injured or benefited for the future, and are beyond the reach of the contingencies, or eventualities, of the Navy. The worst, or the best, that can happen, cannot much, or long, affect them. One thing, however, we believe, that the day will come (and that, too, when the Surgeons shall *unanimously determine* that it shall come) when the flood-tide of public opinion shall set strongly in and sweep away the feeble barriers raised against it, in which they will receive from Congress, *in spite of their enemies*, what, for half

a century, they have been struggling for: and that, then, their opponents, who have alienated the kind feelings of every Medical Officer, may dwell, as the reward of their labors, on the reflection that they have been utterly and disgracefully defeated.

Throughout this contest of more than half a century, one only offer has proceeded from the Line that was not a mockery, the offer, we mean, by the "Board on Regulations" in 1864. It was *just in principle*, and *the only just basis of assimilation*: and, if not faultless in detail, might perhaps have been modified. "Pity 'tis" 'twas not accepted, and secured by law. But some individual in each Corps had a stone to throw at it: and it was lapidated down. One only course is left to us. We have been long enough amused by listening to outsiders, the Line especially. *Timeo Danaos, Cave Canem*. Let us be our own counselors, asking no advice from others, but ready to afford it to them when requested. Let us frame our own Bill, and frame it *strong*, not to be violated, not to be evaded, not to be eluded, making Staff rank a "substance," and not, as Line writers call it, a "shadow:" a reality, of great practical value, and not, as "Survey" has too truly pictured such rank as we have had, "a rank humbug," "sheer nonsense," "a myth, to which no one attaches the slightest value, meaning absolutely nothing."

Such estimate of Staff rank warns us to let the Bill be strictly guarded, on its way through Congress, against surreptitious interpolation, (slily insinuated, as was the case with the mischievous "Executive" clause, in Mr. Bancroft's "Order," in 1846,) and to defend it sedulously, for years to come, against counter legislation. Alone in this way can justice be secured to us, and those priceless jewels, harmony and good-will, be established in the Navy. To gain this happy end is within the compass of our Corps: and as it will be their high honor, so let it be their high office: as it will be their own fault, and a grievous one, if they fail to attain it. Discord within itself is the deadliest foe that the Navy can encounter: so the domestic peace thus won

will be more glorious than any victory over a foreign foe. Let it be ours to be "*le vainquer du vainquer*." Self-conquest, indeed, is the highest achievement of man, nobler far, than any over an outward enemy. *Palmar qui meruit ferat.*



ERRATUM.

Page 42, line 19, for "have quoted," read "shall have occasion to quote."—(See page 50.)



	PAGE.
"Survey" on Staff Rank.....	3
Claim of Medical Officers to rank dates from 1812.....	7
Report of Board of Navy Commissioners, on rank.....	8
Mr. Upshur's Report in 1841, ".....	8
Mr. Mason's Report in 1844, ".....	9
A valuable Pamphlet on the History of "Assimilated Rank".....	10
Medical Officers are on <i>arbitrary</i> "Sufferance".....	11
Commodore Porter's Letter in 1832.....	12
Medical Officers to live on Line Courtesy.....	13
Patriotism the sole actuating motive of the Line.....	14
"Personal ambition" that of Medical Officers.....	14
* Mr. Bancroft's Order in 1846.	15
The Order legalized in 1854.....	15
"Precedence <i>with</i> , but <i>after</i> , Lieutenants," but no rank, proposed by the Line..	16
"Disorder, bickerings, confusion, and insubordination" in the Navy.	16
Ludicrous interpretation of it by a facetious Commodore.....	17
"Executive" clause in the Order.....	19
Mr. Dobbin's "Decision".....	20
Mr. Welles's explanatory Order.	20
"Executive Officer" defined in "Regulations".....	20
Scope and sphere of duties of "Executive Officer".....	22
The "Executive Officer" the Commander's "Police" Officer.....	25
The 411th "Regulation".....	26
A Line Writer's exaggerated idea of the "Executive" office.....	28
This view pervades the Line.....	29
"Usage" and "legal enactments" cited to support it.....	29
The name "Executive Officer," when, and for what purpose, first <i>officially</i> used.....	29
The "Executive" office as set forth in the "Regulations".....	30
The 411th "Regulation" contrasted with other "Regulations".....	30
Farcical claims, set up by a Line writer, for the "Executive Officer".	31
Exposition of the "Executive" office.	32
The "Executive" clause an anomaly and incongruity.....	33
It works nothing but mischief and discords.....	33

A Naval "Posture-master," as pictured by Line writers !.....	33
Frequent contentions in the Cabins of Flag Ships.....	34
"Police" Officers as Keepers of the Peace needed there	35
Everywhere the Line "spit upon our gabardine".....	36
Remedy proposed to make the Navy a unit	37
What is the highest <i>legal</i> rank of Surgeons, and when given ?.....	38
Desire of Line Officers to administer the Navy Department	38
Their especial unfitness illustrated.....	38
A case of "even-handed justice".....	40
"General Order" "admonishing" "Staff Officers".....	40
No Senior Line Officer obeys an Inferior.	42
Why Congress should abolish the "Executive" clause.	42
Joy in the Line over this "admonition".....	43
Insulting "General Order" of Mr. Toucey.....	44
Why was Mr. Bancroft's Order asked for by the Surgeons ?	44
What was it intended by the Framer to mean ?.....	44
Why was it resisted by the Line ?.....	44
How have they interpreted and executed it ?	44
A Line writer's notions of the purposes of rank.....	47
Admonitory letter from the Department to an eccentric Commodore, enjoining observance of the "General Orders".....	50
147 Remonstrants against the "General Orders".....	50
Insubordinate "Circular Orders" by an autocratic Commodore.....	52
Verdict of the Retiring Board of 1855	52
Estimate by Line Officers of their <i>own</i> Retired List.....	53
Recapitulation of answers to the four questions, (p. 44).....	53
Opinion of the Line Board, of 1858, on the "Orders".	54
A Line Board's notions of rank.....	54
Staff rank ignored by the Line ; and Law and Regulations, thus far, failures	55
The Line dictum, that "rank carries command," stated and contro- verted..	55
The Line dictum, that the <i>Staff</i> are "the <i>Civil</i> Branch," contro- verted.....	57
Who are " <i>Civil Officers</i> " in the Navy.....	60
Rank defined.....	61
" <i>Military</i> " rank, as distinctive, a Line fallacy.....	62
The only plausible plea for the Line fallacy, that "rank carries command"	63
Whence comes rank ?.....	66

	PAGE.
Whence comes command ?.....	66
Rank sometimes confounded with <i>grade</i>	69
Reorganization of the Line Corps in 1862.	70
Crude notions of Line Writers touching the "origin of rank."	71
Two sets of questions susceptible of the same answer, viz :	
Can rank amputate an arm ?.....	} 74
Will honor set a leg ?.. .. .	
Can rank reef topsails ?	} 74
Will honor tack ship ?.....	
"Moral power" of rank.....	74
"The last infirmity of noble minds".....	75
<i>All Staff</i> rank denied by the Line.....	76
The Line declare "war to the knife" against Staff rank.....	76
Disbanding the Medical Corps, and shipping " <i>his doctor</i> " for the cruise.....	77
Impossibility of filling vacancies in the Medical Corps.	79
Line declaration that the Medical Corps can "be filled in forty- eight hours with the best ability in the country".....	80
Preceding declaration from the Line disproved.....	81
The Cerberus of the Treasury set on the Surgeon's Bill to bark it down.....	85
Staff rank being <i>un fait accompli</i> , the <i>degree</i> of it is <i>now</i> complained of,	86
" <i>Length of Service</i> " principle unfair to the Surgeons.....	87
"Board on Regulations" 1864.....	87
Their plan the <i>only just one in principle</i>	89
The rank of Paymasters the great offence of Staff rank.....	90
The Line Board, of 1858, complain bitterly of the rank and pay of Paymasters	91
Comparison of claims between Line Officers, Surgeons, and Pay- masters.....	92
Injustice of assimilating dissimilar Corps	94
Relative position of Line and Medical Officers on ship board.....	99
Which has the Lion's share of the good things ?.....	101
What (say the Line) is the issue between the two Corps.....	102
Legalization of Mr. Welles's "Order," March 13, 1863, <i>twice de- feated by the Line</i>	103
Surgeon's Bill, of January 6th, 1869, <i>defeated by the Line</i>	103
Remonstrance of Rear Admiral Lanman, and other Line Officers, against the Surgeons' Bill, of January 6th, 1869.....	104
The Bill had <i>one</i> friend in the Line.....	105

Conduct of the Surgeons contrasted with that of the Line.....	105
116 Proprietors of the Navy "appeal" to the Department to "annul" the "General Order" of March 13, 1869.....	106
On the third day after the conferring of Epaulets on Staff Officers, seven Captains and eleven Commanders apply to dispense with theirs.....	108
Opinion of the Board, of 1858, that, " <i>under no circumstances of sea- service, should any civil Officer be placed, in rank or uniform, over any Commissioned Officer of the Line</i> ".....	109
Why the British example is inapplicable.....	109
Line pamphlets end with a pretty sentence	109
Surgeons charged with want of <i>esprit de corps</i> in appealing to the Medical Profession.....	110
Summary of the issue between the two Corps, and of the Line's objections to Staff rank.....	111
Education at the Naval Academy, as stated by "Emir".....	112
Position of the Medical Officer in the Navy.....	113
The Line remit the Staff to their "courtesy" and "forbearance".....	113
The 678th Regulation regarding "messing" apartment.....	114
Comparison of Casualties to Medical and Line Officers during the war.....	115
Appeal to the Medical Profession.....	116
Medical Officers are contending for a <i>principle</i>	116
Mr. Grimes's Bill, which passed the Senate, March 16th, 1869, and is lying over in the House Naval Committee.....	118
What it does for the Navy.....	119
The <i>principle</i> of "Assimilated Rank" proposed by the Line Board, 1864.....	121
An outline of assimilation proposed.....	123
"Precedence follows rank," a principle admitted by Line writers.....	123
"Remarks on Assimilated Rank," by Holgazan.....	124
"General Order," Navy Department, April 1, 1869.....	127
Conclusive reason why <i>Congress</i> should promptly confer Staff rank.....	128
"Medical Officers want".....	129
"Medical Officers do not want".....	130
Observation of Hume.....	130
Encouragement.....	131
Instructive lesson by Commodore Porter.....	132
Our Motto, <i>Fiat Justitia</i>	132
Contents of Appendix.....	133
A word to the Medical Corps.....	227
Basis of a Bill proposed, (p. 123).....	230





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